SENATE—*Tuesday, July 30, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

This morning, let us thank God for the healthy baby boy, Thomas Joseph, born to Ruby and Marty Paone last Friday.

Lord, who shall abide in thy tabernacle? who shall dwell in thy holy hill? He that walketh uprightly, and worketh righteousness, and speaketh the truth in his heart.—Psalm 15:1-2.

Eternal God, full of grace and truth, thank Thee for men and women in places of responsibility who take seriously their accountability to conscience, constituents, the Senate, the Nation. Grant to each Senator the will to order his priorities of accountability and to sacrifice, if necessary, the lesser for the greater. Give them courage not to allow the voice of the crowd force them to violate truth or conscience or sacrifice national interest. Deliver them from allowing ambition to be elected to be more important than responsibility to the Nation nor personal privilege to take precedence over the integrity of the Senate as an institution. Help them never to forget that they are public servants, accountable first to God from whom comes all authority.

In His name who is incarnate truth. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 30, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, this morning there will be a period of morning business until 10 a.m., and I now ask unanimous consent that during that period Senator JOHNSTON and then Senator HATCH each be recognized to speak for up to 15 minutes, and that from 12:15 p.m. until 2:15 p.m. today, the Senate stand in recess to accommodate the party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the period for morning business, which will conclude at 10 a.m., the Senate will resume consideration of H.R. 2698, the agriculture appropriations bill.

When the Senate returns to consideration of that bill at 10, under a previous order, Senator LEAHY will be recognized to offer an amendment to a committee amendment on which there will be a 40-minute time limitation.

A vote on or in relation to that amendment will occur at a time to be determined by the majority leader following consultation with the Republican leader.

It is my hope and expectation that the Senate will complete action on the agriculture appropriations bill early today and will then move on to other available appropriations bills.

From 12:30 until 2:15, the Senate will be in recess to accommodate the respective party conferences.

Mr. President, let me repeat what I have said on several previous occasions, that in order to complete action on the several measures which remain this week and which include the Department of Defense authorization bill and the unemployment compensation bill, there will be late sessions each night with votes occurring at any time. I thank my colleagues for their patience and cooperation in this regard.

Mr. President, I am advised that I misspoke in requesting the recess for the party conferences. I intended to say 12:30 p.m. until 2:15 p.m., and I ask that my request be modified to reflect that change.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues and reserve the remainder of my time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein.

The Senator from Louisiana is recognized.

NATIONAL ENERGY SECURITY ACT OF 1991

Mr. JOHNSTON. Mr. President, for the past 2 weeks I have spoken about various features of S. 1220, the National Energy Security Act of 1991. I have discussed what the bill does in such areas as renewable resources, natural gas, energy efficiency, and alternative fuel fleets.

Today, I will talk about two vital initiatives concerning electric utility regulation: vital and important and I might say revolutionary in those bills, and that is that which we call integrated resource planning and Public Utility Holding Company Act reform. Both have to do with the most elemental part of how we generate electricity, and, that is, incentives.

As we have seen the Soviet empire collapse economically, both in the Soviet Union and in Eastern Europe, we have found that the principal reason for it is that the incentives were all in the wrong place. There was no incentive in the Soviet Union for competition. There was no incentive for efficiency. Rather, the incentives were all on the side of making do and not rocking the boat.

Mr. President, that is precisely the situation in the generation of electricity in America. It would amaze most people in America to know that there is no incentive for an electric utility company to save energy, even though it might be better environmentally, even though it might be better for the customers of that utility. There is no incentive at all.

• This "bullet" symbol identifies statements or insertions which are not spoker by a Member of the Senate on the floor.

The incentive in American electric generation is to put things in the rate base. What do we mean by that? That means if you build a new, big plant and it costs a lot of money, then the public utility commission will allow you a percentage profit on that big plant, so it means that if you have a choice between saving energy and building a new, big plant, then the incentives are all on the side of building a new, big plant. That is why it is so vitally important we change those incentives. We have done that in a section of our bill that we call integrated resource planning.

What is integrated resource planning? Perhaps the best way to answer that question is by quoting a short section from S. 1220 itself. It states that integrated resource planning is a "planning and selection process for new energy resources that evaluates the full range of alternatives, including new power supplies, energy conservation and efficiency and renewable energy resources in order to provide adequate and reliable service to electric customers at the lowest system cost."

Mr. President, that is nothing more than common sense, but it is not now in the law. The term "system cost" is defined as "all direct and quantifiable net costs for an energy resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance and, in the case of imported energy resources, maintaining access to foreign supplies of energy."

Obviously, we never take those things into consideration in America today. We do not give much thought to how we are going to protect that supply line. In the case of Desert Storm, it was enormously expensive. We do not give much thought sometimes to what it is going to cost to comply environmentally or to dispose of those wastes.

For the purpose of implementing this standard, S. 1220 recognizes the primacy of State law with respect to power planning decisions. It requires State commissions to conduct a formal proceeding for the purpose of considering integrated resource planning, but it does not necessarily require them to adopt and implement it.

So, on the one hand, Mr. President, we want to give full effect to State law and States rights but, on the other hand, we want to require the State to go through the discipline of considering least-cost planning, integrated resource planning, as we call it.

In addition, S. 1220 requires this integrated resource planning standard to be adopted by the TVA and to be considered by the Southwestern Power Administration and the Southeastern Power Administration, as a condition for the extension of new contracts to wholesale purchasers.

Perhaps the most important integrated resource planning provision of S. 1220 determines utility ratemaking. Under the practice in most States, any reduction in the kilowatt hours sold by a utility reduces the utility's earnings.

Since conservation and other demand side management measures reduce electric consumption, investment in these resources financially harms utilities. S. 1220 would remedy this situation by requiring State regulatory commissions to consider making utility investment in demand side management just as profitable as investment in new generation facilities. Thus, it would remove the current financial biases and disincentives so that integrated resource planning is able to take a truly comprehensive look at resource choices.

Mr. President, the importance of this provision cannot be overstated. We talk a great deal about conservation, but at the same time economic policies at the State level actively discourage conservation. Until the existing disincentives are removed at the State level, we cannot expect to see demand side management reach its full potential.

A logical corollary to the notion that we should look at power planning in a comprehensive way is the fact that no one person or group has a monopoly on good ideas or ability. An optimal plan for electric supply from the economic and environmental prospective is likely to be the product of many proposals from many different sources.

The only rational way to evaluate such possibilities is to look at it on a competitive basis, one that looks at nonprice factors such as reliability and environmental costs, as well as the actual production cost.

Mr. President, the second way in which the incentives are vastly misstated and misapplied in the electric generation market are in what we call the Public Utility Holding Company Act.

This Public Utility Holding Company Act was an act passed in the 1930's, designed to prevent all of the excesses that occurred right before the Great Depression, in which a few companies got control of the whole electric market and made a noncompetitive situation, one that was precariously financed, and one that was full of all kind of problems that the Public Utility Holding Company Act in fact did solve.

The problem is, Mr. President, that we took all of the competition out of the generation of electricity. And taking the competition out, combined with this phenomenon of the rate base, means today that the generation of electricity in America is frequently not done in the interest of the consumer; not only is it not environmentally well done, but there is absolutely no incentive for building a plant that is the most efficient or having the person or the company that is the most efficient in building that plant do the job.

As a practical matter, what PUHCA requires is that in the jurisdiction of a utility, in the area served by that utility, as a practical matter the only person who can build the big central power plants is that utility itself. All that utility must do is get that plant approved by the public utility commission, and with that approval they can produce the energy regardless of whether or not they are the best players.

Mr. President, in 1978 we passed a bill which we called the Public Utilities Regulatory Policies Act, PURPA, and what it did was allow for an exemption from PUHCA in two instances: what we called cogeneration—that is where you produce electricity and steam and have a steam host out there—some big company that produces a product and has a need for that leftover steam. Everyone remembers Jimmy Carter talking about cogeneration. Well, this was PURPA that allowed that steam host to be used, and in effect provided for competition in the generation of that electricity.

PURPA also provided an exemption for the generation of electricity from certain renewable resources like solar energy.

So where you have cogeneration and where you have solar energy, what we have developed in this country is competition in the use of those two resources, in supplying energy to utilities. There are a lot of other provisions about PURPA, but the important thing for our discussion today is that in the generation of the some 30,000 megawatts which PURPA has produced, which we otherwise would not have produced, they have been produced by competition.

What have we found? We have found that it has been in the interest of the consumer—first because of price, second because of reliability.

When we talk about the generation of electricity, reliability—that is, you do not want the lights to go out just on the hottest day or just when you need the lights to get up in the morning or go to bed at night; you do not want them to go off at that important time; you have to be reliable. We found in PURPA that this power generated competitively is both more competitive—that is, cheaper, generally speaking—in terms of price, and it is good in terms of reliability.

So what we want to do in PUHCA reform, Public Utility Holding Company Act reform, is to bring that competition into the generation of electricity for all plants.

Title XV of S. 1220 provides this remedy, provides this ability to have competition. It does so by creating corporate entities known as exempt wholesale generators, or EWG's. EWG's must be exclusively in the business of

wholesale generation. They are exempt from PUHCA. They can be owned by utilities or nonutilities, in a subsidiary relationship without triggering the restrictions of PUHCA. In making this change, title XV paves the way for the evolution of a competitive market in electric generation.

PUHCA reform has attracted a broad coalition of support representing many disparate interests. It has also attracted opposition.

What we are talking about, Mr. President, is a multihundred billion dollar business. Some people want to get into the business because they think they can produce a product reliability at a cheaper price. Some already in the business feel threatened because, frankly, they have a bird nest on the ground.

Mr. President, right now all the incentives are to get it in the rate base and get it approved. So what you do is you go to the public utility commission and you say look, we need some new power. What is in style? What is in vogue now? Maybe it is the big coal plant with a scrubber, a very expensive plant perhaps. And if the public utility commission says OK, you buy it, you build it using accepted methods. And it is in the rate base, and you get a percentage profit on that forever. It just rolls on and on and on. Your customers will never know whether or not somebody else could do it cheaper using that same technology. They will never know whether or not another kind of energy would be cheaper. They never will know, Mr. President. Your profits roll on and on because of the rate base.

What we want to do is say that when you need some new power, you have the ability to go look around. Can the XYZ Co., which specializes in a coal-fired plant with a scrubber, beat B company, which specializes in gas turbines? We want them to be able to do that, Mr. President, in the most efficient way.

Most Americans would be surprised if utilities were financially penalized for investing in conservation when it is the most economical way of meeting power needs. And they would be equally perplexed if Federal law prohibited the best builders and operators of electric generation from competing to serve new power needs. Yet strangely enough both propositions are true. As part of a national energy policy, S. 1220 removes these and other irrational obstacles to the provision of low cost electricity. It does so by promoting the use of integrated resource planning in meeting new power demand and removing the obstacles to wholesale power competition contained in the Public Utility Holding Company Act of 1935 [PUHCA].

If we are going to plan for the future, we will have to start by abandoning many of our cherished ideologies. Within the electric utility industry there are those who refuse to see electric supply in any terms other than the construction of boilers, turbines and generators by conventional utilities. On the opposite extreme, it is fashionable among some environmentalists to argue for sole reliance upon demand side management and supplemental contributions by renewable energy as the exclusive means of meeting future electric demand. Both attitudes are dangerously unbalanced.

In the complex calculus of electricity it is too much to expect that there will be a single right formula. Instead, as we decide how to meet new power demand, we should ensure that all the possibilities are looked at in an objective and comprehensive way. We should be thinking in terms of planning rather than palm reading.

S. 1220 embodies this approach to electric supply by promoting integrated resource planning and coupling it with measures to foster competition in power supply.

What is integrated resource planning? Perhaps the best way to answer that question is by quoting from S. 1220 itself. The bill defines the concept as a: Planning and selection process for new energy resources that evaluates the full range of alternatives, including new power supplies, energy conservation and efficiency, and renewable energy resources, in order to provide adequate and reliable service to * * * electric customers at the lowest system cost."

In turn, the term "system cost" is defined as:

> All direct and quantifiable net costs for an energy resource over its available life, including the cost of production, transportation, utilization, waste management, environmental compliance, and, in the case of imported energy resources, maintaining access to foreign sources of supply.

For purposes of implementing this standard, S. 1220 recognizes the primacy of State law with respect to power planning decisions. It requires State commissions to conduct a formal proceeding for purposes of considering integrated resource planning. But it does not necessarily require them to adopt and implement it.

In addition, S. 1220 requires this integrated resource planning standard to be adopted by the Tennessee Valley Authority and to be considered by the Southwestern Power Administration and the Southeastern Power Administration as a condition for the extension of new power contracts to wholesale purchasers.

Perhaps the most important integrated resource planning provision of S. 1220 concerns utility ratemaking. Under the practice in most States, any reduction in the kilowatthours sold by a utility reduces the utility's earnings. Since conservation and other demand side management measures reduce electric consumption, investment in these resources financially harms utilities. S. 1220 would remedy this situation by requiring State regulatory commissions to consider making utility investment in demand side management as profitable as investment in new generation facilities. Thus, it would remove current financial biases such that integrated resource planning is able to take a truly comprehensive look at resource choices.

The importance of this provision cannot be overstated. We all talk a great deal about conservation, but at the same time economic policies at the State level actively discourage it. Until the existing disincentives are removed at the State level, we cannot expect to see demand side management reach its large potential.

A logical corollary to the notion that we should be looking at power planning in a comprehensive way is the fact that no one person or group has a monopoly on good ideas or ability. An optimal plan for electric supply from an economic and environmental perspective is likely to be the product of many proposals from different sources. The only rational way to evaluate such possibilities is on a competitive basis—one that looks at nonprice factors such as reliability and environmental cost as well as price. Thus, integrated resource planning incorporates the use of market mechanisms as one of its central pillars. It differs from the model of the past by substituting an objective mechanism—market competition—for the pricing judgment of the regulator and substituting the proposals of many potential players for that of the utility alone.

In electric power the superiority of competition to regulation is not merely theoretical. Studies show a wide variation in the costs for the construction of conventional fossil and nuclear plants by regulated utilities. Clearly, some companies are better at what they do than others. Moreover, under the Public Utility Regulatory Policies Act of 1978, or PURPA, competitive bidding among special generation facilities known as "qualifying facilities" has produced reliable, low cost power.

The problem is that the PURPA box is a little too small for expanded competition. Qualifying facilities must either be cogeneration facilities—which produce steam and electricity—or renewable facilities. Both have practical limitations.

Why cannot enterpreneurs simply become independent power producers, or IPP's, and compete to sell wholesale power to utilities with whatever kind of powerplant they believe is the best?

The problem is with the restrictions of an obscure law known as the Public Utility Holding Company Act of 1935 [PUHCA]. For outdated reasons, PUHCA limits the use of holding company structures in the electric busi-

ness. While the act is complex, its basic proposition is simple: Any company that wants to use a separate subsidiary for the generation of electricity may only do so within an electrically integrated, and therefore geographically limited, area.

Unfortunately, IPP's must be developed in a holding company format, regardless of whether they are owned by utilities or nonutilities. First, the financial markets will generally require IPP's to be project financed which requires the creation of a separate subsidiary. Second, to the extent that a utility is the owner of a project, regulators will require the creation of a separate subsidiary for purposes of risk separation and cost accounting.

While there are a few ways to avoid the restrictions of PUHCA, they are of limited use. In PURPA, Congress recognized the problems caused by the Holding Company Act and created an exemption from the Act for Qualifying Facilities. Without a similar change, PUHCA's restrictions on the use of holding companies will stand as an effective bar to the development of IPP's.

Title XV of S. 1220 provides a remedy. It does so by creating corporate entities known as exempt wholesale generator or EWG's. EWG's must be exclusively in the business of wholesale generation; are exempt from the Act; and can be owned by utilities or nonutilities in a subsidiary relationship without triggering the restrictions of PUHCA. In making this change, title XV paves the way for the evolution of a competitive market in electric generation.

The idea of PUHCA reform has attracted a broad coalition of support representing many disparate interests. It has also attracted opposition. Much of this opposition appears to be rooted in misunderstanding, and in some cases misinformation, about what title XV does and does not do. For that reason it is helpful to explode some of the myths on this subject.

Myth No. 1 is that title XV deregulates the electric industry. While the bill does remove the corporate impediments I have described, it does not in any way reduce regulatory oversight of power transactions. The bill maintains FERC jurisdiction over electric sales and actually enhances the power of State commissions. It can hardly be considered deregulation.

Myth No. 2 is that title XV will create the ability for utilities to form affiliates and engage in self dealing free from regulatory oversight. The truth of the matter is that under existing law utilities have formed affiliates to sell power to themselves for several decades. Such sales are routine. They don't present much of a problem because FERC only permits them to take place under cost-of-service pricing. S. 1220 does not change this result.

Myth No. 3 is that title XV will eliminate State regulation of the utility industry. In fact, title XV gives State commissions an absolute right to veto purchases of power from EWG's and, for the first time in Federal law, establishes the general right of State commissions to review the wholesale purchasing practices of their native utilities.

Myth No. 4 is that enactment of title XV will discourage the use of renewable technology. In fact the opposite is true. By fostering competition, title XV also rewards the innovation needed for greater development of renewable resources. Moreover, unlike renewable QF's, renewable facilities owned by EWG's under title XV are not subject to size and fuel mix restrictions, thus giving them more flexibility.

Myth No. 5 is that the use of relatively high proportions of debt to finance EWG's will lead to unreliable power supplies and financial failure. Based upon similar experience with qualifying facilities under PURPA, it appears that a typical EWG will initially employ a capital structure weighted toward debt as a means of minimizing cost of capital. However, as evidenced by the excellent performance and reliability of qualifying facilities, there is nothing inherently risky in such financing. Over time the level of debt carried by an EWG will decline because it is financed on a project basis. On average, therefore, it will carry less debt than the typical utility which maintains relatively constant levels of debt because it is financed on a corporate basis. It is worth mentioning, moveover, that both FERC and State commissions have adequate authority to restrict the use of debt financing should circumstances warrant it.

Finally, myth No. 6 is that competition in wholesale power markets is not possible without also providing for mandatory transmission access. The facts show otherwise. In competitive bidding to date, QF's and other competing supply sources have typically offered 10 or more megawatts for every megawatt needed. Moreover, utilities are providing transmission services to get that power to market. As of February 1991, 44 winning projects in competitive bidding, representing 40 percent of the megawatts, had been awarded on the basis that the developer needs and is able to obtain transmission service. The remaining projects are to be located within the service territory of the purchaser.

In summary, the supposed policy reasons for opposition to title XV are without substance, while the need for change is compelling. PUHCA reform would provide significant benefits to consumers. It is an idea whose time has come.

Taken as a whole, the provisions of S. 1220 dealing with electric regulation offer a comprehensive vision for meeting our future electric needs. Collectively, they ensure that we will look at resource choices in a way that is both environmentally sound and economically efficient. I urge my colleagues to support these critically important provisions when S. 1220 is considered on the Senate floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHNSTON. I yield the floor.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

LOAN GUARANTEES TO ISRAEL

Mr. HATCH. Mr. President, this fall Congress will be asked to consider the granting of loan guarantees for the State of Israel to assist her in the absorption of new refugees. These guarantees are not only justified on purely moral and humanitarian grounds, but are also an investment in one of the most precious resources available—human capital. The current political situation in Israel provides the United States government with a unique opportunity to shape events in the region through a low risk, low cost investment strategy with an anticipated high rate of return in human capital. Mr. President, this opportunity stems from granting absorption loan guarantees to the State of Israel.

The freedom of Soviet Jewry has been a central tenet of United States policy toward the Soviet Union for the past two decades. We now have the opportunity to assist in the historic move toward freedom that we worked so hard to bring about. The political situation is quite clear—Israel faces an immigration wave of potentially 1 million Soviet Jews over the next 5 years. We in the United States must be sympathetic to a nation that is attempting to alleviate the plight of immigrants who desire to escape the political, economic, and religious persecution of their homeland. Our Nation was founded on the principle of religious choice, and we must always attempt to support those who suffer for their beliefs.

The State of Israel will be forced to face the enormous financial burdens associated with immigration. Israel has always opened its borders to the oppressed, providing a safe haven for many victims of tyranny and injustice, including survivors of the Holocaust and the Vietnamese boat people. This commitment has not changed. Israel is willing to defray the financial cost of Soviet immigration—mostly through new tax increases—despite predictions of economists that this will place a tremendous strain on her economy.

However, Israel simply does not possess the resources to single-handedly take on the expense of such a flood of immigrants. Infrastructure projects will be costly. Homes and schools must be built, and jobs must be found. Israel

is only asking the United States to help secure the loans that will pay for less than one-fourth of the cost of this humanitarian act.

The United States and Israel have a two-way relationship that is based upon shared principles of democracy and justice. Each nation should, in part, contribute to the political and economic needs of the other during times of hardship. I would contend, Mr. President, that the current exodus of Soviet Jews constitutes just such a time. Consequently, the United States should extend a hand of friendship to this small nation.

Israel is a stable and important ally in a troubled region. The United States should provide any assistance to Israel that will help facilitate this complex and expensive immigration process. Assisting refugees to escape political and religious persecution is not a political problem, but rather a humanitarian one. As a responsible ally, the United States should be there for Israel and her new immigrants because it is the right thing to do; it is moral; and it is just.

Mr. President, I look forward to supporting Israel's request for loan guarantees this fall and hope that other Senators will come forward to express their support of loan guarantees for Israel, as well.

Mr. President, during the 15 years that I have been in the Senate, Members of Congress have worked diligently to promote the emigration of Soviet Jews. This was particularly difficult when the Iron Curtain was standing because there was so much repression in the Soviet Union. We worked hard to get one family here, or one person there, to be able to emigrate out of the Soviet Union to Israel, or our country, or to anywhere else in the world. I can remember personally intervening on behalf of a number of families and helping them to leave the Soviet Union. And now we have a window where more than 1 million people will be able to come out of a land where they have been oppressed and discriminated against. They will enjoy the same freedoms and privileges that we share. I think we ought to do everything we can to assist in this particular endeavor.

My objective is not to place undue pressure on the situation in the Middle East, or to upset our Arab neighbors and friends in the process. I only wish to help the Israelis accommodate this large immigration. In my opinion, this is strictly a humanitarian and moral issue, and I think we ought to be the first to support it. So I hope that our colleagues will do so.

I yield the remainder of my time to the distinguished Senator from Missouri.

NO LINKAGE IN THE MIDEAST PEACE PROCESS

Mr. BOND. Mr. President, I thank my good friend from Utah. I thank the Chair for this opportunity to speak about the ongoing Mideast peace process and the efforts of President Bush and Secretary of State Baker to bring the parties together for negotiations.

The President and the Secretary of State deserve great credit for the tremendous amount of effort they have invested in their attempt to bring the parties in the Mideast together to discuss the terms of a peace agreement.

Certainly, all of us have waited and watched for a long time, hoping that such an opportunity would be taken. This opportunity came in the wake of the gulf war, and despite what appeared to be overwhelming odds, the President and the Secretary of State stuck with the process to the point where it appears that we may actually see some real progress for a change. I know my colleagues join me in wishing them great success in this endeavor.

At the same time, however, as we move toward some type of peace conference, it is absolutely critical that we adhere to a few basic principles in our dealings with all parties involved.

As far as I am concerned, the most important part of these is that we must remember that we, the United States, cannot impose conditions on the parties to the conference. The United States can and must play an important role in bringing the parties together and in encouraging productive negotiations. But I think it would be a tremendous mistake if we tried to force other countries into positions against their will, because any agreement that is not based on true negotiation and compromise among the parties cannot last.

An example of what we must not do is to force Israel into taking a position which she sees as being against her security interests by attempting to link future United States aid to Israel's actions. The President said that there will be no linkage in the peace process, and I know that the great majority of Members of this body will support him in avoiding linkage.

Second, we must always remember who it is that we are dealing with in this process. In recent weeks, I have been amazed by the coverage that has been given to Syrian President Hafez Assad by some commentators and some members of the media. Assad has been portrayed as a great peacemaker and diplomat for indicating that he is willing to attend a peace conference with Israel. However pleased we may be to see a glimmer of hope that Assad is truly ready for peace, it is a great mistake to forget who he is and what he has done.

Hafez Assad is a murderer and a terrorist. He is the man responsible for the murder of tens of thousands of his own people at the town of Hama when they dared to oppose his rule. He is the man behind the terrorist bombing of a Pan Am 747 over Lockerbie, Scotland, and dozens of other terrorist incidents over the years. And most recently, he is the leader of a country which has occupied, and effectively absorbed, a smaller and defenseless neighbor just as Saddam Hussein tried to do a year ago.

Of more direct concern to the Israelis, Assad is the man who has launched two major wars and countless attacks against Israel. These attacks were launched from the Golan Heights, the very territory that Assad says he must get back before any peace can be declared. It is also worth nothing that Assad commands the largest army in the region—one that rivals that of Saddam Hussein a year ago—and one that is of even greater threat to Israel because of its close proximity.

It would be naive and dangerous for us to believe that just because Assad saw fit to join the coalition against his arch rival Saddam Hussein, and just because Assad is smart enough to recognize that his longtime patron, the Soviet Union, no longer has the power to back his military and political goals in the region and that he therefore must deal with the United States, that he has now become a great democrat and that he is willing to abandon all of his past goals to control Lebanon and to eliminate Israel. We made that exact mistake with Saddam Hussein when we allowed our desire for improved relations in the region to blind us to the true nature of the people with whom we were dealing. We must not make that mistake again.

Just as important, we must not force Israel into making that mistake. If we misjudge a Saddam Hussein or Hafez Assad, we do not have to live next door to the consequences. We can always pick up and come home, leaving the mess behind. Israel, on the other hand, is dealing not with some abstract concept of peace in the Middle East but with her very survival.

So in conclusion I would simply say that I hope and pray the current round of negotiations is successful, that it leads to talks and eventually to an agreement that brings the 40-year war against Israel to an end. I only hope that as the process goes forward we will not allow history to be rewritten and that we will remember that Israel is not the country that initiated this war, Israel is not the country which has refused to sit down and talk for more than 40 years, and Israel is the country that is our close friend and ally in region. Israel's concerns about participating in talks are legitimate and they must be addressed before we can expect her to agree to participate. To do otherwise would not just be against the interests of one of our clos-

est allies, but against the interests of the United States as well.

I yield the floor.

ABSORPTION GUARANTEES FOR ISRAEL

Mr. MCCAIN. Mr. President, regardless of our increasing hopes for a broader Arab-Israeli peace settlement, we cannot ignore the fact that our primary concern must be for Israel's security. No friend or ally is in a more threatened position. No friend or ally faces more serious challenges.

The gulf war has already demonstrated the seriousness of the military challenges involved, but these threats are only part of the story. The turmoil in Ethiopia and the Soviet Union has created a situation where Israel must absorb nearly 1 million new immigrants. Where it must create new jobs, new homes, and major improvements to its economic infrastructure.

This effort will cost Israel some $20 to $50 billion at a time when the military buildup in the region has already put a severe strain on its economy. It is already costing Israel 20 percent of its budget—more than Israel can spend on defense—and no one can have any illusion about what would happen if Israel did not make this effort. We saw what happened in Ethiopia after some 14,000 Ethiopian Jews fled to Israel. We see new reports on the consequences of ethnic conflict in the U.S.S.R. every day.

This is why I am joining my colleagues in endorsing United States guarantees of the loans Israel needs to absorb Russian and Ethiopian Jews. It is important to understand that we are not talking about additional aid, but rather loan guarantees of $2 billion a year over 5 years that do not involve any transfer of funds from the U.S. Treasury.

We essentially will be cosigning a mortgage loan for a friend that has a perfect loan repayment record and that has never defaulted on a loan. The only cost of the transaction will be the bookkeeping cost, which is a function of the risk of the loan. Many experts feel this cost will only be 0.55 percent of the amount, and the worst case estimate of the risk of default would involve charges of only 7 percent.

Further, if Israel faces problems in the near term, it also has long-term opportunities. The influx of new citizens is likely to expand Israel's economy by 7 to 9 percent per year. The quality of the new immigrants is indicated by the fact that over 40 percent of the new labor force that arrived last year had 4-year college degrees, and the population of scientists, engineers, and doctors among the arriving Soviet Jews was five to seven times the average of the general population of Israel and in developed Western countries. The persecutions and threats that are driving this immense talent pool out of their former homelands will eventually mean economic growth both for Israel and the entire region.

At the same time, the scale of the problems Israel faces make it clear why we cannot link the issue of loan guarantees to the peace process or the debate over the future of territory for peace. Hopeful as the peace negotiations may seem today, there is no guarantee that they will be successful and it is clear that it will be years before they can result in any broad solution to the political and military problems Israel faces.

Linkage threatens both Israel and Russian Jews. it opens up the United States-Israeli relationship to blackmail and pressure from Palestinian extremists, and implies that Israel must return all the occupied territory for peace at a time when any trade of territory for peace is Israel's primary negotiating card in any talks with Arab States. There will always be those who argue for intense United States pressure on Israel, and some will be sincere in seeking peace. Others, however, want nothing more than to undermine one of our closest strategic relationships, and still others want nothing more than the destruction of Israel.

In short, Mr. President, it is important that we in the Congress make it clear to the world that we will give Israel the loan guarantees it needs and do so without any linkages. This is the only way Israel can plan for an economically sound absorption of its immigrants. It is the only way to offer Russian Jews security from future persecution. It is the only way to make it clear to the Arab world that we will support honest and forthright peace negotiations, but never force Israel to sacrifice its sovereignty or security.

Mr. GRASSLEY. Mr. President, we are witnessing a modern-day miracle—hundreds of thousands of Jews are leaving the Soviet Union to begin their lives in freedom in Israel. Last year, more than 180,000 Soviet Jews arrived in Israel. This year the number is expected to be between 150,000 and 200,000. In addition, Israel recently welcomed about 15,000 Ethiopian Jews in Operation Solomon.

Like the United States, Israel is a society of immigrants. And, these new citizens will be remarkable additions to Israeli culture. The Soviet Jews are highly educated and skilled. They are engineers, doctors, architects, scientists and teachers. They will help to make Israel a center for high technology. And they will contribute to the growth of Israel's economy.

Israel last experienced a large influx of immigrants in the 1950's. The immigrant community expanded Israel's economy and made Israel into an exporter. Today, Israel exports about 17 billion dollars' worth of goods, representing some 35 percent of GDP.

These new immigrants will cause a further expansion of Israel's economy over this decade. But in the short term, Israel will need to spend huge amounts of money to absorb and integrate these new citizens. Israel will need to expand its physical infrastructure—roads, electricity, sewage and communication systems. Israel will need to build more schools and hospitals. Israel will need to attract investment for the establishment of businesses and factories. And Israel will need more housing.

Israel estimates that the cost of absorbing 1 million new citizens in the next several years will be at least $50 billion. A substantial portion of that money will come from the Israeli people themselves—through higher taxes and cutbacks in services unrelated to immigration. These are costs that Israel can hardly afford—already its people are the most taxed in the world. But Israeli people will sacrifice to make room for the new immigrants.

I am proud that our Government played such a leading role in securing the freedom for Soviet Jews. We made sure that the cause of Soviet Jewry was pursued at every opportunity with Soviet officials. I am confident that even at this summit now underway between Presidents Bush and Gorbachev, President Bush will press the cases of the few remaining refuseniks. And, we will push to ensure that the new immigration law is fairly and fully implemented.

But we will need to do more than work for the freedom of Soviet Jews. We are succeeding in that mission. Now, we must finish the work and ensure that they are successfully integrated into Israeli society. We need to help Israel in the immense financial challenge that lies ahead.

We do not have many additional resources to offer. Outright aid is out of the question. But we can help Israel help herself through a program of loan guarantees. This is a very low-cost way to help Israel. It would not require much in the way of real dollars, but loan guarantees will enable Israel to secure money in the private financial markets. Israel is prepared to take out billions in loans; the United States can facilitate this through loan guarantees.

Israel has a perfect repayment record and there is no reason to doubt that this record would not continue. As I said when I opened this statement, the immigrants are going to expand Israel's economy, make her stronger and thus, more able to pay back these loans.

And finally, Mr. President, I will comment on the recent developments in the Middle East. We see some rays of hope in a budding peace process. This is a time Israel needs to be strengthened and encouraged to take the risky steps for peace. Israel does not need to be pressured from her strongest ally and only superpower. These humanitarian

loan guarantees should not be held over Israel's head. That is not the way one friend treats another.

So, I offer my praise to Israel. For opening its doors willingly to a new population and for the sacrifices it will make to ensure their success.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent I be permitted to speak for another 10 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLARENCE THOMAS AND THE NEW ORTHODOXY

Mr. HATCH. Mr. President, I draw my colleagues' attention to a perceptive article by Judge Clarence Thomas, based on an August 17, 1983, speech. In the speech, he has anticipated and replied to many of his current critics who seek to punish him for not being a slavish supporter of the liberal orthodoxy on minority issues.

Judge Thomas noted that—

There is an established "right" position for minorities to take on [certain issues]. For example, the "right" solution to the problem of ending job discrimination is to support affirmative action. The "right" way to achieve educational equality is through busing; and the "right" way to help the poor minority is through a fiscally liberal welfare system. Those whose positions differ from these established positions and even those who question these positions are, according to this new orthodoxy, just plain wrong. They are suspect. They are Judas goats, pariahs, quislings. They may even be labeled "anti-civil rights." The basis for their opinions and positions are not investigated, because, according to the new orthodoxy, the right position is axiomatic. * * * The right positions are gospel, not subject to analysis or debate.

The Judge continued:

I want here to urge black professionals that you not permit yourselves to be insulted by an orthodoxy that requires you to ignore the education for which you have worked so hard and diligently. I want here to urge that you insist on your intellectual freedom—that you not permit the rigidity of this orthodoxy to straitjacket your thinking. I ask that you use your skills and intellect when you consider the many issues affecting minorities in this society, that you study and analyze the facts about traditional approaches, and that you calmly and rationally examine the results of policies which affect minorities. None of us want to be perceived as cutting back on civil rights. But as the few survivors of the educational process, we must simply look at the results of policies upon which minorities have relied to improve their socioeconomic condition.

Recent reports have shown what many of us have argued for years: that family composition, education and a host of other social factors can have as much impact on employment opportunities as traditional barriers caused by discrimination.

There is the crux of it, Mr. President. Judge Thomas dared to think for himself and to question liberal shibboleths. This, apparently, is viewed as a tremendous threat by many black and white liberals and by some in the traditional civil rights leadership.

Judge Thomas, in this 1983 speech, acknowledged more had to be done to counter the legacy of discrimination than merely stopping the discrimination. But, he dared to question "the effectiveness and legality of certain affirmative action programs and policies" and noted that the 1980 census showed a widening income gap between affluent and poor blacks. At the same time, Judge Thomas made clear the EEOC would uphold the law and use the tools the courts made available to it, whether he liked them or not. He also argued for tougher penalties for violating title VII than exist in current law, well before the current drive to do so in Congress. He praised the accomplishments of the civil rights movement. But, he dared to question aspects of affirmative action. he dared to mention that there are factors other than discrimination that serve as barriers to minority success. He mentioned the need to develop training and education programs, for example, to attack the socioeconomic problems facing minorities.

For espousing this reasonable point of view, Judge Thomas has been vilified by some who cling to the big government approach and who reflexively rely upon policies of reverse discrimination, however euphemistically described, to address the problems of minorities today. One can debate the positions he has taken and disagree with them on the merits. Some of his critics, however, do not want to debate these issues, they wish to smear and slander those who disagree with them. Carl Rowan, whom I admire for his usually incisive commentary even when I disagree with it, called him a "David Duke" on two different episodes of a talk show. This was an uncharacteristic low blow. Others have made similar unfair attacks and are trying to tear the man down in order to discredit his different ideas. They do so because they are afraid to confront and debate those ideas fairly.

As I said, Mr. President, Judge Thomas has long since answered these critics. At the end of his speech in 1983, Judge Thomas said to what I understand was a predominantly black audience:

You have been privileged to receive an education. You have the ability to understand that because our problems now transcend race, solutions must also extend beyond race. You must not be afraid of being disliked and must resist functioning in lockstep with others simply because doing so is more convenient. We cannot accept the implications of the new orthodoxy which exists in America today—an orthodoxy which says that we must be intellectual clones. We fought too long and too hard to make people stop saying blacks looked alike—but I say it is a far greater evil that many say blacks think alike—it is a far greater evil that we tend to exalt rhetoric over facts and critical analysis.

Mr. President, those are the words of an independent thinker, the kind of person one would want to have on the High Court. It is no surprise that, in this speech, Judge Thomas quoted these lines from a poem:

Two roads diverged in the woods and I—
I took the one less traveled by,
And that has made all the difference.

I ask unanimous consent that a copy of Judge Thomas' speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCRIMINATION AND ITS EFFECTS
(By Clarence Thomas)[1]

This article will discuss discrimination and its effects. My grandparents, who raised me, are perfect examples of what discrimination can do. In my early childhood, my grandfather would rise between two and four a.m., deliver ice, then spend the rest of the day delivering fuel oil. During the summers, we worked on a farm—literally from sun up to sun down, six days a week—taking only the Lord's day off. This all goes to say that my grandfather and my grandmother worked harder than anyone I know.

Early in life, as I watched them toil away, I realized that their efforts would be seriously impeded by something beyond their control—racial discrimination. They had overcome the lack of formal education, the Great Depression and an assortment of other adversities. But, no matter what efforts they made race was a roadblock to taking full advantage of the benefits of this country. As a result of living through this experience and other experiences, I have strong views about civil rights.

As you all know, we face serious challenges in the area of civil rights enforcement—an urgent need to reaffirm a national obligation, to recommit federal leadership in guaranteeing basic legal rights to face up to hard questions, perhaps to accept tough answers. Of particular interest to me, of course, are those challenges I grapple with daily in the area of equal employment opportunity law. Unquestionably, employment discrimination continues to limit opportunity in our society, with a pervasive, devastating impact on minority and female expectations. The fact of this continuing impact is made clear to me on a regular basis in the course of my work at the equal employment opportunity commission.

I have seen a continuing flow of discrimination charges filed with the EEOC over the little more than a year that I have been on board. An alarming number of these charges have merit. By the end of last fiscal year, the commission authorized some one hundred and twelve new cases for litigation. The money awards we won for plaintiffs exceeded $33 million. We have made a determination on these charges. The courts have affirmed. Employment discrimination continues. And we are continuing a vigorous fight to eradicate it. But that is precisely the way it should be. Unquestionably the federal government has the primary responsibility to protect the civil and constitutional rights of

[1]The above article is an edited version of a speech given before the "New Coalition," Chicago, Illinois, August 17, 1983. Mr. Thomas is the director of the Equal Employment Opportunity Commission.

all citizens. This responsibility must not be abdicated and cannot be delegated. Civil rights are fundamental to our way of life and their protection is absolutely essential. It always has been. Historically, the federal government has recognized its legitimate moral interest, its binding obligation to protect the civil rights of our citizens. We learned some time ago that such matters of grave, national importance cannot be entrusted to local governments and to private citizens. At a painfully slow pace, this ideal has increasingly gained the force of law over the years—progress due to specific efforts by all three branches of the federal government.

As a result, today equal employment opportunity is the law—written into Title VII of the Civil Rights Act of 1964; strengthened by amendments; supported by executive orders; given clearer definition by court decisions. The federal law is stronger than ever before in its ability to offer protection. We must make sure the federal government continues to show its willingness to offer protection. I am committed to making sure that the law is enforced—effectively, efficiently, equitably. It is my personal commitment as much as it is my sworn duty.

But this federal responsibility should go even further than merely enforcing the law. The government has a profound obligation to exert its leadership in moving us forward—fostering a national consensus of renewed support for compelling matters of national policy. Every agency in this government with a direct interest in EEO enforcement must demonstrate to private sector interests that we fully intend to enforce the law. There can be no equivocation on basic questions of right. No excuses for failure to correct the present effects of past injustice. It must be made clear. We are in this fight to win. And I might add we take no prisoners.

Challenges, however, are not as simple as the black and white picture many have tried to paint. In large measure, they are rooted in the on-going changes in our environment. We live in a dramatically different political, social, economic world today than the one that existed a generation ago, when we took bold forward steps, enacting most of the important civil rights laws we debate today.

The problem of discrimination also has changed. Yesterday, we confronted clear-cut acts of blatant discrimination. Today, we are confronting less obvious, but no less pervasive effects caused by discrimination.

The solutions are not always as clear-cut or easy. Sometimes, as a result, we tenaciously hold onto those partial solutions we do find, hoping they might solve all our problems. But short-term resolution may not be in our long-term interest: to transform a national ideal into an enduring reality.

There has been increasing conflict—a deep philosophical tension concerning the best way to approach emerging problems: a fundamental belief in limited government interference with basic individual rights; but an equally strong belief in government intervention to protect these very same basic rights. This tension has led to considerable disagreement—disagreement which cuts across all social and economic lines; disagreement which appears to be eroding a once-powerful national consensus on civil rights policy in general.

We simply cannot allow this to continue. The federal government has a responsibility to take the lead in making sure that it does not continue. First, we cannot allow important matters of national policy to be reduced to simple matters of political posturing. The issues we face are clearly too complex to be tossed around as oversimplified campaign slogans which inflame more than inform. Responsible government leaders simply should not participate in such an exercise. Our personal views on the laws we enforce are, at most, inconsequential, we have sworn to uphold the laws.

Furthermore, the executive branch in particular can exert leadership in this area by making sure its own house is in order. We cannot expect to be effective in enforcing the EEO laws in the private sector if we do not do all we can to comply with those laws ourselves. Effective performance of this duty also requires that we look for new ways to strengthen our enforcement of the laws. We have been doing that at the commission.

We are currently looking at new ways to devise a streamlined system to process charges in a speedy fashion, to eliminate duplicative reviews, provide effective relief for charging parties and guarantee the due process rights of all concerned. And we will leave a better EEOC than we inherited. But we must also consider ways in which we can strenghten the law itself.

I have said on numerous occasions that I believe the equitable remedies available under Title VII are not as compelling as the civil damages available under other federal statutes. While we can provide backpay and reinstatement to employees who have been wrongfully denied equal job opportunities, we cannot penalize those who discriminate. It is high time we consider strengthening the sanctions we can impose in order to increase our ability to fully protect the right to equal opportunity. I think it is a disgrace that the penalty for tampering with a mailbox is greater than the penalty for discriminating. Just telling a discriminator to do right—to hire a few minorities—to promote a few women—is not enough. Even stronger laws, however, will lose their effectiveness if we do not exercise wisdom in applying those laws to appropriate situations. We must have the courage to admit that, while discrimination does continue to have a devastating effect on certain group expectations, there are other socioeconomic factors which also have historically contributed to the limited opportunities of a great many people.

"Two roads diverged in the woods and
I—I took the one less traveled by,
And that has made all the difference."

Hence, I decided to discipline my intellect and use my passions to push me to grapple the seemingly intractable problems facing minorities in this country.

It became clear, at least to me, that I did not need to go to college to become angry. I did not need to go to college to protest. I could have stayed home and done that. Nor was it necessary for you all to have undergone the stress and sacrifices attendant to acquiring an education in order to be governed by your passions. You were educated to sharpen your intellect—to enhance your analytical skills. You now become part of a very select group. With this privilege comes a corresponding responsibility, or perhaps more aptly put, a corresponding duty. As leaders, you must form your opinion on certain issues affecting the lives of minorities in this country. You must decide whether you will adhere to an approach to these issues with your hearts or your intellect. The importance of this decision cannot be too greatly stressed, because as intelligent and resourceful people, it will be up to Black professionals to develop and implement solutions to our problems.

Let me explain more fully what I mean. Over the past few years certain issues have been established as issues of primary concern to minority groups. These issues relate to the effort to achieve equality in employment, education and other socioeconomic aspects of the lives of minorities. In general, the debate on "minority issues" centers around affirmative action, busing and welfare. Occasionally, the discussions include job training programs, public housing and government set asides. Along with the established issues of concerns to minority group members, there is an established "right" position for minorities to take on these issues. For example, the "right" solution to the problem of ending job discrimination is to support affirmative action. The "right" way to achieve educational equality is through busing; and the "right" way to help the poor minority is through a fiscally liberal welfare system. Those whose positions differ from these established positions and even those who question these positions are, according to this new orthodoxy, just plain wrong. They are suspect. They are Judas, goats, pariahs, quislings. They may even be labeled "anti-civil rights." The basis of their opinions and positions are not investigated, because according to the new orthodoxy, the right position is axiomatic. The right position is axiomatic, a priori. The right positions are gospel, not subject to analysis or debate.

I have established certain positions on issues involving minorities. However, I do not here want to advocate my views or my opinions. No! I want here to urge Black professionals that you not permit yourselves to be insulted by an orthodoxy that requires you to ignore the education for which you have worked so hard and diligently. I want here to urge that you insist on your intellectual freedom—that you not permit the rigidity of this orthodoxy to straight-jacket your thinking. I ask that you use your skills and intellect when you consider the many issues affecting minorities in this society, that you study and analyze the facts about traditional approaches, and that you calmly and rationally examine the results of policies which affect minorities. None of us want to be perceived as cutting back on civil rights. But as the few survivors of the educational process, we simply must look at the results of policies upon which minorities have relied to improve their socioeconomic condition.

Recent reports have shown what many of us have argued for years: that family composition, education and a host of other social factors can have as much impact on employment opportunities as traditional barriers caused by discrimination.

These factors raise questions about the effectiveness of some of the particular methods we are using to overcome tough problems. For example, we have seen a continuing national debate over the merits of affirmative action without a real determination of its successes. In more than a decade of affirmative action policy, we have seen conflicting reports. But we cannot ignore the fact that Black men—who were supposed to be helped by affirmative action—are still dropping out of the labor market at a frightening rate. One recent study showed that Black male participation in the civilian labor force dropped from 74.1 percent in 1960 to 55.3 percent in 1982. This is an alarming drop of 18.8 percent. And while the income of the most fortunate of us has reached parity with whites—the income of the least fortunate continues its relentless and precipitous downward trend. Something is very wrong.

In light of real world facts of life, there should be no reasoned disagreement over the

underlying premise of affirmative action: that is, that we simply must do more than just stop discriminating if we are ever going to stop the effects of a history of discrimination. But, we must have the courage to recognize that there is room to question the effectiveness and legality of certain affirmative action programs and policies. It would be irresponsible for us simply to turn our backs on this reality and assume we have developed a social and legal panacea. This is particularly true when the 1980 census shows a widening income gap between affluent and poor Blacks.

Even while we may question the effectiveness of current methods, we are still bound to uphold the law. We at the commission, through our compliance and litigation program, are involved in the area of affirmative action. The courts have determined this to be an appropriate remedy for us to pursue and a significant portion of the cases we handle continue to result in settlements or court orders which provide affirmative relief. And, as long as I am chairman we will aggressively pursue all remedies available to us—whether I like them or not. But we must continue to raise questions about the effectiveness of particular tactics of our overall strategy. After all, the great civil rights victories we have seen so far were not won as a result of a blind allegiance to the status quo. We have moved forward because we dared to question established policy; because we were relentless in searching for answers.

Our future challenge will be to continue using the law to remedy problems arising from violation of the law; working all the while—probing and testing—to develop the much-needed solutions—including the training and education programs we desperately need—to attack problems rooted in socioeconomic causes. Unquestionably, the federal government must and will continue to have a major role to play; continuing to protect rights through strict enforcement of the laws; continuing to exert leadership to ensure that the generation that carries us into the next century will not continue fighting the same battles over and over again.

Fifteen years ago—about this time of the year, I was boarding a train to go off to college. Those were interesting years, a time for activism, a time for protest. I remember the protests and rallies to free Huey Newton and Angela Davis. I remember the pickets, the demonstrations, the anti-war marches. I also remember the free breakfast programs, and tutoring community children. As I look back, I become keenly aware of the groping, the struggling for answers to the many problems of minorities in this country. Passion and emotions overtook reason and consumed us. We were angry, very angry.

Before graduating from college, and as a veteran of countless protest efforts, I realized that we were allowing our hearts rather than our minds to lead us to the solutions which were so badly needed. I recalled the words of Robert Frost, which had helped me during my high school days as I fought to harness the anxieties of Richard Wright's Bigger Thomas; reconcile Christianity and segregation, and educate myself in a seminary which was all-white—except for me.

I do not mean to suggest that the civil rights movement and the accomplishment of that movement are meaningless. The laws that the leaders of the civil rights movement encouraged remain crucial to the achievement of equality for minority people in this country. Nor do I want to paint a picture of hopelessness or desperation for minority groups in America. I have every faith in our ability to address the problems of the minority community. However, I believe that in order to address these problems, you will have to seek new directions. The information I have access to supports this belief. This information suggests that our strategy and our approaches must be questioned and changed if we are to realize the goal of equality for all members of the society in which we live. In developing this new approach, we must resist rhetoric and noble intentions. Instead, we must demand positive results.

Many of us have walked through doors opened by the civil rights leaders, now you must see that others do the same. As individuals who have received the benefit of an education which was probably denied your fathers and mothers, and in some cases sisters and brothers, you must devise a plan for a civil rights movement for the 1980s. The effort which it takes to do this cannot be legislated or mandated. It must come from within you. I believe that we can have impact. That we can solve the seemingly intractable problems of minorities in this country. I assure you that if we don't try, if we are not positive, if we continue to make excuses and if we continue to let naysayers dominate our thinking, the problems will not be solved. If you and I don't solve these problems, then who will? If we don't do it now, then when? We simply cannot afford another decade of misdirection.

You have been privileged to receive an education. You have the ability to understand that because our problems now transcend race, solutions must also extend beyond race. You must not be afraid of being disliked and must resist functioning in lockstep with others simply because doing so is more convenient. We cannot accept the implications of the new orthodoxy which exists in America today—an orthodoxy which says that we must be intellectual clones. We fought too long and too hard to make people stop saying Blacks look alike—but I say it is a far greater evil that many say Blacks think alike—it is a far greater evil that we tend to exalt rhetoric over facts and critical analysis.

To change our thinking is not easy. I know it is difficult to change when the changes are perceived and publicized as setbacks to civil rights gains. But we cannot clutch symbols when reality demands action. I urge that you not instinctively dismiss new concepts, new ideas, new proposals and new leaders. I ask that you engage in rational discussion about the problems of minorities and demand that others do so. I ask that you not permit those who thrive on sensationalism, to sway you. I ask that you be persuaded by the same study and research as you would be persuaded by in your professional endeavors. I ask that you join me in seeking new, meaningful directios for the members of minority groups in America. The problems that I speak of are critical to our survival. This makes reexamination and redirection all the more compelling. I ask that you use the many skills you have acquired to dissect systematically the problems facing minorities. Only in this way will be begin to find solutions. The future depends on your skills—your courage—your strength!

DO NOT SACRIFICE CLARENCE THOMAS ON THE ALTAR OF REVERSE DISCRIMINATION

Mr. HATCH. Mr. President, we have all become aware since Judge Thomas' nomination to be Associate Justice of the Supreme Court that his written views on civil rights and affirmative action are the subject of intense scrutiny.

While some of his critics describe their concern as based on his overall views or record, when one boils down this opposition, it really amounts to this: The judge has expressed opposition to preferences for or against anyone on the basis of race or gender and those who support such preferences want to punish him for it.

I trust, Mr. President, that the Senate will not sacrifice Judge Thomas on the altar of reverse discrimination, as some of his critics would have us do.

Judge Thomas has fought discrimination all of his life. He knows what it is like to be a victim of racial discrimination—both of the subtle and open varieties. There is not a single Member of this body who can tell Clarence Thomas what it is like to be subjected to vile racism.

Judge Thomas has an excellent record in the executive branch. He took the chairmanship of the Equal Employment Opportunity Commission in 1982 when that agency had been left in shambles by the Carter administration predecessor. He turned that agency around. I know. I chaired the Labor Committee, with oversight over the EEOC, for the bulk of Judge Thomas' chairmanship, and was ranking member for the remainder of it.

He did a fine job. The number of lawsuits and interventions filed increased from 195 in fiscal year 1983 to a record 599 in fiscal year 1989. A May 17, 1987, editorial of the Washington Post entitled "The EEOC Is Thriving" praised "the quiet but persistent leadership of Chairman Clarence Thomas * * *."

Judge Thomas has expressed the view that our Constitution and civil rights laws apply equally to all Americans—black and white. Is that wrong? He has expressed his disfavor of reverse discrimination, regardless of the euphemism used to mask racial and gender preferences. He has identified with the eloquent dissent of Justice Harlan the elder in the Plessy versus Ferguson case, which enshrined the odious racial doctrine of separate but equal—a doctrine Judge Thomas lived under for part of his life. In his dissent, Justice Harlan correctly said:

> Our Constitution is colorblind, and neither knows nor tolerates classes among citizens.

Indeed, Justice William O. Douglas expressed similar sentiments in his dissent in the DeFunis versus Odegaard case. That was a 1974 case in which the court declared moot a controversy concerning a State law school's racially discriminatory admissions policy. This is what Justice Douglas had to say:

> The consideration of race as a measure of an applicant's qualification normally introduces a capricious and irrelevant factor working an invidious discrimination. Once race is a starting point, educators and courts

are immediately embroiled in competing claims of different racial and ethnic groups that would make difficult, manageable standards consistent with the Equal Protection Clause. The clear and central purpose of the 14th amendment was to eliminate all official State sources of invidious racial discrimination in the States.

There is no constitutional right for any race to be preferred. * * * A DeFunis who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability, no matter what his race or color. * * *

The Equal Protection Clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized. * * *

If discrimination based on race is constitutionally permissible when those who hold the reins can come up with "compelling" reasons to justify it, then constitutional guarantees acquire an accordion-like quality. * * * [416 U.S. at 333, 334, 336, 337, 342, 343 (Douglas, J., dissenting)].

I do not know how Judge Thomas will rule on affirmative action issues. He does not believe in imparting his personal views into his judging. Moreover, there are Supreme Court cases that have begun to address some of these questions and I do not know Judge Thomas' views on stare decisis.

I do know this: If the proponents of racial and gender preferences and reverse discrimination wish to go after Judge Thomas on these issues, however they dress up these unfair practices with seemingly benign labels and euphemisms or mask them with convoluted rules in new legislation, I and others will be prepared to debate these issues fully, and Judge Thomas' record, in front of the American people.

One last point. Some of the proponents of preferences and reverse discrimination who would prefer to see Judge Thomas defeated understand that they are out of step with the mainstream of the American people. They will seek to cast their opposition in loftier tones, and to look for other excuses—any excuses—to oppose Judge Thomas, to draw attention away from their ulterior reasons for opposing him. Indeed, there is some indication, reported by the Washington Post and elsewhere, that the abortion issue, in addition to being used as an inappropriate litmus test in its own right by proabortion groups, will be used by proponents of reverse discrimination to try to drag Judge Thomas down.

I do not believe such a tactic will work.

Mr. President, I thank my dear friend from North Dakota for allowing me to take this extra 10 minutes, and my friend from Mississippi for the kindness he has shown to me here today.

I yield the floor.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. If there is nobody here to offer an amendment, and there is no problem with the managers, I would like to take about 2 minutes of that time.

MFN FOR SOVIETS

Mr. DOLE. Mr. President, I am pleased by today's announcement in Moscow that the President intends to submit for Senate approval a comprehensive trade agreement with the Soviet Union, including the granting of most favored nation status.

It is another important step forward on the road to improved and mutually beneficial relations for our two countries. To the extent that it helps foster stability, and improves the prospects for better living conditions for the Soviet people, while at the same time benefiting us—especially by expanding our potential export markets—it is truly a win-win situation.

As I think most Senators know, there is at least one problem that we will have to resolve as we work on the agreement, and that is making sure that approval of the agreement does not compromise our long-held and legitimate position on freedom for the Baltics. But that is something I am confident we can accomplish without scuttling the agreement itself.

So I look forward to the early submission of the agreement to the Senate. I intend to support it and work for prompt passage of the resolution of approval.

Mr. President, I reserve the remainder of my leader time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

THE 46TH ANNIVERSARY OF A DISASTER—AND COURAGE

Mr. HELMS. Mr. President, today marks the 46th anniversary of what many in the U.S. Navy regard as the greatest disaster in the history of our Navy, the sinking of the U.S.S. *Indianapolis*. But the courage of the fine Americans who died in that disaster, as well as the estimated 900 who escaped the sinking, is a saga of dedication and sacrifice.

Mr. President, it was quite by accident that I began giving thought to this fateful event a few weeks ago. A friend in North Carolina had written to me, making inquiry about various aspects of the disaster. I did not have the answers, so I made inquiry, in turn, of a dear friend of mine who is a retired admiral. Here is his response:

On 28 July 1945, the U.S.S. *Indianapolis* departed Guam for Leyte at approximately 0930 in the morning. She had previously off-loaded the internal components of the Hiroshima Bomb in Tinian on 26 July 1945.

As she steamed through the darkness of the night of 29-30 July 1945, the *Indianapolis* was struck by two Japanese submarine-launched torpedos in her starboard bow at five minutes after midnight. In less than 15 minutes the cruiser had vanished east of Leyte in position 12 degree 02 minutes north latitude, 134 degrees 48 minutes east longitude.

This began the terrible events that proved to be the worst disaster at sea in the history of the U.S. Navy in terms of lives lost. Of the 1,196 brave men assigned to this ship, it has been estimated that 900 escaped the sinking. However, their trials had just begun.

For more than five days these men had to survive in shark-infested waters before rescue was accomplished—and that rescue was totally by accident. Of the 900 who escaped the sinking, only 316 were in fact rescued. Five days of deprivation and horrible shark attacks had taken a deadly toll. It is impossible to imagine the terror these brave men endured.

When we think back through American history, we think of the enormous sacrifice by so many Americans—Valley Forge, the Argonne Forest, Guadalcanal, Iwo Jima, Chosen Reservoir in Korea, the Tet offensive in Vietnam, to name only a few.

But no men who ever fought for our country deserve more esteem than the crew of the U.S.S. *Indianapolis*. A ship is nothing more than steel shaped to the needs and desires of man. The heart, the soul, the very life of a ship, is her crew. The U.S.S. *Indianapolis* had the very best.

On 30 July 1991, we will mark the 46th anniversary of the sinking of that steel form named U.S.S. *Indianapolis*. But the heart and soul of her crew lives on, and will live forever in the minds of the American people.

Mr. HELMS. Mr. President, on this anniversary, Senators and other Americans should take special note of the suffering and sacrifice of the crew of the U.S.S. *Indianapolis* 46 years ago. It was a disaster at sea, yes. But it was a moment when the courage of these superb Americans gave meaning to America. Braver Americans never lived.

RESPONSE TO SPECIAL BOARD REPORT ON RAILROAD CONTRACT

Mr. EXON. Mr. President, I recently read the report of the Special Board appointed by the President under the bill which ended the nationwide railroad strike. The purpose of the Special Board was to review the settlement recommendations of the original Presidential Emergency Board [PEB], change or modify the recommendations as appropriate, and adopt the final package as a binding settlement.

I supported the creation of the Special Board so that rail workers would have a forum in which to express their concerns and have their views fairly considered on the original PEB recommendations.

Unfortunately, when I read the Special Board's report, it seemed the Board's goal was to avoid looking at the real issues in the rail dispute and the PEB report. Instead, most of the Board's report was devoted to tedious arguments over procedure instead of substance. The Board's written opinion had no discussion of the real issues, yet in the end conclusively held that the

original PEB recommendations were "fair and demonstrably equitable." No reasons why they were provided.

I am not a lawyer. But as in Bob Dylan's song line, "You don't have to be a weatherman to tell which way the wind blows," similarly in this case, one does not have to be a lawyer to tell which way the political wind was blowing at the presidentially appointed Special Board. It certainly was not blowing on behalf of the railroad workers.

Mr. President, in my view, the Special Board failed in its mission as intended by Congress, to provide rail workers a fair second chance to have their views heard and considered on matters crucial to their economic livelihood.

LOAN GUARANTEES FOR THE SETTLEMENT OF SOVIET AND ETHIOPIAN JEWS

Mr. COATS. Mr. President, for years the United States has pressured the Soviet Union to allow greater and freer emigration for Soviet Jews to Israel. Now that our demands are being met, we must not fail those who seek a new life in Israel.

We must understand that opening the country's gates to unlimited numbers of Jews from Ethiopia and the Soviet Union is first and foremost a humanitarian act no one else is willing to undertake. To make it possible, Israel does not seek American grants or loans. It only wants the U.S. Government to facilitate bank loans by guaranteeing them. Nor is the undertaking an economic gamble. Israel has unfailingly met its debt repayments on time, and it has neither asked, nor been granted loan forgiveness. Moreover, by absorbing and nurturing the brain pool which the immigration contains, Israel is adding an incalculable, priceless asset to the world democracies.

Some would say that the United States must use its vast resources to take a strong position against the country that is slowly dispossessing a Palestinian people. We must be careful to not let our foreign policy aid conflict with our humanitarian aid. Punishing a close friend and ally in order to alter an unrelated domestic policy of that country is inappropriate and detrimental to our bilateral relationship. Like all United States assistance to Israel, the loans obtained with the United States guarantees can only be used within pre-1967 borders. The rescue of Soviet Jewry is a humanitarian concern; these guarantees should not be linked to political disagreement over Israeli settlements in the administered territories. They are two separate issues.

Israel needs these loans to absorb hundreds of thousands of Jews who have excellent reasons to fear for their safety if they stay in their countries of origin. The vast majority have nowhere else to go but Israel. Only Israel has unconditionally chosen to accept each one. The Israelis decided long ago that each Jew was a brother, and that they were their brothers' keepers. This noble commitment speaks loudly of their desire for peaceful advancement.

This act is not one of calculated investment, but one of unusual moral sentiment. For the first time in Israel's history, taxpayers will spend more for the cost of absorbing new immigrants than for defense. An estimated 20 percent of Israel's budget will be spent on absorption this year alone. In September, the Shamir government is expected to formally request from the United States $2 billion a year loan guarantees over the next 5 years to offset the estimated $45–$50 billion cost of absorbing 1 million Soviet and Ethiopian immigrants.

For over two decades the United States has made the freedom of Soviet Jewry a central tenet of our foreign policy toward the U.S.S.R. We now have the opportunity to assist in this historic, humanitarian effort—the successful absorption of this Jewish community into Israel. The Jewish community stands united already promising nearly $4 billion in grants, loans, and guarantees over the next 5 years. This is an equivalent of over $700 for each American Jew. With only a marginal bookkeeping effect on the U.S. budget, America stands to gain more than it loses. We stand to gain much as our banks profit from servicing the loans and our industries benefit from the building and construction materials needed to support such a project. Most importantly, Israel has a perfect loan repayment record and has never defaulted on a loan

We can do more to help achieve peace if we maintain our strong relationship with this trusted ally, and support Israel in this great humanitarian effort.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, the week of August 11–17 marks the 20th annual observance of "National Hosiery Week." Since Congress will be in recess during that week, I'll take a moment today to pay my respects to an industry which is vital to the free enterprise system of our Nation and to the economy of North Carolina.

At a time when imports continue to threaten the textile and apparel industry, it is important that Americans support our textile and apparel industry in general, and our hosiery industry in particular.

The hosiery industry constitutes a significant portion of the textile and apparel complex, employing 71,200 American workers in more than 28 States. In 1990, the hosiery industry produced 320,149,000 dozen pairs.

Mr. President, despite the overall size of the industry, hosiery companies are vital to countless small communities around the country. The average hosiery company is a small- to medium-size business in a small American town. In fact, hosiery manufacturers are often the major employers in their communities.

The hosiery industry is doing everything it can to counter imports by improving productivity in the mills, by investing in more efficient machinery and by sharpening the industry's marketing skills.

Furthermore, the hosiery industry is aggressively seeking foreign markets for its products. In 1990, U.S. hosiery exports increased to 6,899,215 dozen pairs.

Mr. President, National Hosiery Week is of special significance to me since North Carolina is the leading textile State in the Nation. In fact, more than one-half of all American-made hosiery is produced in North Carolina.

North Carolina is proud of its distinctive leadership in the hosiery industry. We are grateful for the fine quality of life this industry has provided for so many people who are hard-working, friendly and proud of their industry.

Mr. President, on behalf of my fellow North Carolinians, I extend my sincere congratulations to the hosiery industry for the great job it is doing for the people of our State and Nation.

TRIBUTE TO LOUIS B. ROGOW

Mr. LIEBERMAN. Mr. President, it is my great honor to bring to the attention of the Senate an individual who will truly be remembered as one of our Nation's greatest philanthropists and humanitarians, if not one of our Nation's greatest citizens, Louis B. Rogow. Louis died recently at the age of 94. He was a resident of my home State of Connecticut for most of his life and made priceless contributions to our State, our Nation, and the State of Israel.

Louis came to the United States from Kiev, Russia, in 1908, when he was 11 years old. The necessity to support his family thrust him into the machinist trade at a very young age. Overcoming the lack of a formal education, Louis became founder and chairman of Birken Manufacturing Co. of Bloomfield, CT. During World War II, Birken was vital in supplying arms and equipment to the U.S. war effort. His company provided intricate gyro mechanisms for the Raytheon Guided Missile Program and the Naval Torpedo Station at Newport, RI. Birken Manufacturing now supplies aircraft parts to major corporations, such as Pratt & Whitney, Raytheon, Avco Lycoming, and the U.S. Air Force.

Louis believed strongly in showing gratitude to his adopted country and dedicated his life to the old, the sick,

and the disadvantaged. He served on the boards of many institutions, including Mount Sinai Hospital, St. Francis Hospital, Newington Home for Crippled Children, and St. Mary's Home. He was a lifetime member of the board of directors of the Greater Hartford Jewish Federation. Louis was the first person in Connecticut to make a $1 million gift to the federation, which helped make it what it is today. The success of the recent airlift of over 14,000 Ethiopian Jewish refugees to Israel was a further tribute to the significant contributions of Louis Rogow. He also served as chairman of the Hartford Committee of State of Israel Bonds and was honored in 1968 for raising $1.1 million in bonds. As a youth, he was even a champion bicycle racer and outstanding ice skater. In 1983, he was included into the Greater Hartford Jewish Hall of Fame of Jewish Athletes.

Louis always demonstrated his love for the State of Israel. It is this love and commitment that motivated him to continue his good works long after retirement. Between 1948 and 1987, he and his wife made 31 trips to Israel and raised money for the economic development of the country and for the welfare of its people. He received the Albert Einstein Award from Israel's Technion University, where the aeronautical research center bears his name. He also held an honorary doctorate from the Technion and was an active fundraiser for Tel Aviv and Hebrew Universities in Israel. Upon hearing of his death, the Israeli leadership announced that a street would be named in his honor.

Mr. President, I hope my distinguished colleagues will join me in rising to pay tribute to this great man. He has demonstrated most profoundly his dedication to the highest ideals of humanitarian leadership, and his commitment to these principles has served as an inspiration to us all. I know that the legacy of Louis Rogow will live on in the hearts and spirits of those who were the beneficiaries of his contributions. He will truly be missed.

ISRAELI LOAN GUARANTEES

Mr. SYMMS. Mr. President, in September, the U.S. Congress is going to have the opportunity to reaffirm the American commitment to freedom and democracy. At that time, the State of Israel is expected to request the United States to guarantee $10 billion in loan guarantees over the next 5 years. This opportunity is both financially and morally correct. Israel, like the United States, is a country founded and sustained by immigrants. Both serve as a haven for those fleeing religious, economic, and political persecution. In the past year, Israel has been subject to a massive flow of refugees not seen since its founding in 1948. These United States guarantees will enable Israel to secure private loans to invest in human capital—perhaps one of the safest investments that our countries can make.

During these times of fiscal austerity, the United States will be unable to make large monetary grants to assist Israel in this historic immigration. However, the opportunity exists to provide guarantees, which are not grants, and do not involve the transfer of any funds from the United States Treasury to Israel. In effect, the United States would simply be cosigning a mortgage loan for Israel, allowing Israel to secure loans from private, United States financial institutions. With a United States guarantee, Israel will be able to obtain loans at favorable terms. For example, Israel will be able to secure 30-year loans which would allow the Israeli economy time to reap the benefits of expansion resulting from the integration of this wave of well-educated immigrants.

Mr. President, loan guarantees are truly a no-cost investment for the United States. The United States has a great deal to gain economically by assisting Israel in this fashion. Not only do private American banks stand to profit from servicing the loans, but Israel will purchase most of the building and construction materials it needs from United States companies. Many United States firms have already been approached for large-scale Israeli construction contracts.

These guarantees are also a low risk investment. Israel has a perfect debt repayment record—it has never defaulted on a loan or been late with a single payment in its history. Moreover, each past wave of immigration has resulted in growth for the Israeli economy. Economists predict that the influx of 1 million new consumers from this immigration will expand Israel's economy by an average 9 percent per year through 1995. This expansion will allow Israel to comfortably service its new debt.

Israel has already committed to do all it can to absorb these immigrants. Israeli taxpayers, who are already overtaxed, will shoulder most of the costs of absorption with new tax increases. It is also interesting to note that a record 20 percent of Israel's budget will be spent on absorption this year—eclipsing defense for the first time as Israel's largest budgetary expenditure.

The current wave of emigration to Israel is one of the clearest rewards from a successful United States foreign policy toward the Soviet Union over the past three decades. Under United States leadership, worldwide attention has been focused on the plight of human prisoners in the Soviet Union—over 1 million of which are Jewish. The fall of the iron curtain, and the subsequent relaxation of emigration laws, is a testament to the realization of American foreign policy goals and objectives. Now the United States has a moral obligation to ensure that the refugees are given the chance to build new lives in a free and democratic society.

In addition to being a sound investment, the issue of these guarantees is a humanitarian one. They should not be linked to Israeli settlement activity or used as a political club. When President Bush was asked earlier this month whether the absorption guarantees should be linked to settlement activity, he responded by saying, "Well, I don't think it ought to be quid pro quo." This position was reiterated by White House Spokesman Marlin Fitzwater this past week, when he said, "there is no linkage." The future of Soviet Jewish immigrants—those who are fleeing tyranny to democracy—should not be held hostage to unresolved issues in the Middle East peace process such as Israeli settlements in the administered territories.

REMARKS OF NITA SERSAIN

Mr. CRAIG. Mr. President, it is the belief of many Americans that some of the most favored methods of dealing with America's disadvantaged people have been not only ineffective, but counterproductive.

Consider just these two examples:

In many cases, our welfare systems have resulted in generations of families who know no other way of life—who see a vast, unbridgeable gulf between themselves and the job-holding taxpayers of our country;

Our Indian reservations, rather than offering sanctuaries in which native Americans can develop their cultures and grow within them, have become ridden with alcoholism, unemployment, and despair. Federal dollars poured into the system seem only to hasten the decay.

In Idaho, as in much of the Western United States, people see these systems and their abysmal results as evidence of the wrongheadedness of our approaches to the problems they are designed to solve. These folks will contend that the answer is not for government to help the disadvantaged even more, but rather for government simply to get out of the way and encourage the disadvantaged to see their potential and to reach it.

Nita Sersain, a constituent of mine from Boise, ID, is a long-time friend. To my knowledge, she holds no lofty degree from any expensive university. She has no experience in government, nor in the field of social welfare. But she has, to my knowledge, something that many others seem to lack: basic, common sense.

She has prepared some thoughts on the topic of the proper treatment of America's minorities which, I hope, will stimulate further consideration on the part of my colleagues. Mr. Presi-

dent, I ask that her ideas be printed in the RECORD, and I commend them to the other Members of this body.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFLECTIONS OF AMERICA

As the United States of America moves toward 1992, we may want to take a moment to reflect on our strength and give thanks for our unique government and the commitment of our legislators to govern in such a way as to ensure long term stability and continued growth. We have every reason to expect continued mastery of social and economic problems in 1992 and in the years beyond. We cannot, however, expect our Legislators to do it all. We as individuals must each strive for excellence.

One distinctive quality of being an American citizen is the responsibility of each individual to shoulder his or her share of the load. We have not always been good stewards of this great nation. Now is the time that we must recognize the fact that America is populated by innumerable nationalities such as Chinese, Japanese, Vietnamese, Mexicans, Spaniards, Afro-Americans, American Indians, Germans, Scots, English, Irish, French, and others. We also have the imprisoned, disabled, dysfunctional, terminally ill, aged and the list goes on. All of these individuals combined create our population.

We must face the fact that if indeed there is such a thing as a "minority", then the "majority" is comprised of "minorities" and no one is entitled to more than another.

In the Gettysburg Address, President Lincoln clearly noted that "all men are created equal." The Holy Bible (Book of Genesis, Chapter 5, Verse 1) states: "In the day that God created man, in the likeness of God made he him." Neither of these great quotations imply that there are, or will ever be, "minorities".

Drew Brown is a very successful individual who had one black and one white parent. He wrote the book titled "Ya Gotta Believe", in which he says "I'm not black—I'm not white—I'm American!" He is one of many people who could have chosen failure by claiming to be a "minority" member. However, he chose the American way—to be all you can be. Let not any formerly enslaved race ride on the backs of their ancestors, but may we accept our heritages and recognize our individual responsibility to be all that we can be.

We must no longer allow the proliferation of so-called "minority groups". Logic tells us that if we are to achieve balance in our socioeconomic system, we must all work together for the good of our country. Implicit, I believe, in "freedom from fear," and "freedom from want," is freedom from ignorance.

If America is to maintain its position of leadership and example throughout the world, we must constantly strive to solve any problem which arises at home. One of the most serious of these problems at present, in my view, is the common usage of preferential treatment for so-called "minorities".

Some people refuse to give up the concept of "minorities". They have discovered that using this term has served them all too well, to provide them with preferential treatment without acceptance of responsibility. Other American citizens have an unfair amount of tax imposed upon them in order to support this system.

Do our elected officials recognize what has happened and is happening to the life blood of America? The scale of justice weighs heavily on the side of those individuals who choose to identify themselves as "minorities," and our government has been hoodwinked into believing that they are more important than working taxpayers.

America is known as the "Land of Opportunity". But those who have chosen to accept the challenge to pursue and achieve their dreams are then required to surrender a large portion of their reward to support the "minorities," as well as pay for the Savings and Loan bailout, the national debt, foreign aid, and support to Third World countries.

We cannot have it both ways. Some have chosen the unabashed style of perpetuating the attitude of "gimme more of what you worked for because I'm a minority," while others reach for the American Dream, recognizing the truth that lies within the Preamble to our Constitution: "All men are created equal".

This is the 'Reflection of America' today. It will only get worse, unless legislators recognize that part of the responsibility lies with them. They need to discontinue the terminology of "minority" and allow each and every citizen to accept personal responsibility for his or her actions, to meet the challenge while grasping the opportunities that abound in this great land of ours, and become self sustaining in accordance with the abilities of each of us.

Where have we been? Where are we going? Where will it end? It would most assuredly be beneficial to all Americans to abolish the term "minority". We are not a nation of minorities. We are "One Nation under God, indivisible, with liberty and justice for all"—or are we? The choice is ours—to work and achieve or not to work and fail. Whatever our choice, we must accept the consequences of our decision. If we continue on the path called "preferential treatment for minorities", it will surely lead to socialism.

Let's walk hand in hand into a future of equality, bearing the banner of true freedom. Abolish the term "minorities" from the political vocabulary and instill the term "equality" in its place.

May the spirit of America long endure.

ON ISRAELI ABSORPTION GUARANTEES

Mr. CRAIG. Mr. President, I join my colleague, Senator HATCH, in addressing the issue of the Israeli request for Soviet Jewry absorption guarantees. In September, Israel is expected to make a formal request for a total of $10 billion in credit guarantees to be provided in $2 billion allotments over the next 5 years.

Israel is a very small country, and the absorption of these immigrants has taken its toll on their economy. That will continue into this decade as the flood expands.

The credit guarantee request has been made in response to the need for assistance in handling the increase in the influx of Soviet Jews into Israel. The country is facing a serious financial crisis. More than 1 million Soviet Jews are expected to arrive by the end of 1992. It is important to remember that these loan guarantees are not cash. The guarantees are not even loans from the U.S. Government. What this agreement would do, in effect, is assist Israel in borrowing from private banks by providing those institutions a United States Government guarantee to cover the loan repayment if Israel defaults.

Israel has never defaulted on a loan. Prime Minister Yitzhak Shamir has said that Israel has a commitment to repay its debts to the United States. Israel's foreign debt burden has been markedly reduced. In 1990, Israeli foreign debt was 36 percent of its gross domestic product. That is down from approximately 80 percent in 1985. Its economy is on the upswing and will continue in that direction with assistance in the assimilation of the millions of immigrants. In the long term, these immigrants will provide a work force that will assist in the country's economic growth. The average skill level of these immigrants is higher than that of the Israeli population—more than 40 percent have degrees of higher education. Therefore, providing the credit guarantees will also allow Israel to make an investment in her future.

Our Nation led the fight to free the Soviet Jews and open the doors for the flow of immigration. Now, Mr. President, when we have succeeded in opening the doors of freedom for millions of Jewish people in the Soviet Union, let us work wisely to prevent them from being shut. Without United States assistance in this time of crisis, it is unlikely that Israel will be able to continue to absorb the millions that seek freedom there.

One of the ways that we can close off this historic migration is by linking the guarantees to settlements in the occupied territories. Clearly, we must eventually resolve the issue of settlements in the occupied territories. However, I question the appropriateness of linking that issue to the future freedom of the millions of Jews fleeing from persecution in the Soviet Union and Ethiopia.

I am concerned, Mr. President, about making progress in the peace process. President Bush and Secretary Baker have worked diligently to bring both sides together in the Middle East peace process. I strongly support their efforts, which are now seeing some reward with recent movement towards talks by both the Israelis and the Syrians. The question of linkage would be more appropriate as a question to be resolved in the pending peace talks. The Sinai Peninsula is a case in point. Jewish settlement activity occurred there for 10 years. However, when Egyptian President Anwar Sadat engaged in the peace talks in 1977 and following the Camp David accords, Israel dismantled all Jewish settlements in that former occupied territory.

Mr. President, let us understand the issue of absorption guarantees for what it is: the credit guarantee of a reliable ally, in providing humanitarian assist-

ance for Soviet Jews fleeing persecution in the Soviet Union.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. AKAKA). Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, H.R. 2698, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992 and for other purposes.

The Senate resumed consideration of the bill.

Mr. COCHRAN. Mr. President, as I recall, last evening when the Senate adjourned, an order was entered calling for the recognition of the Senator from Vermont [Mr. LEAHY] for the purpose of offering an amendment on the wetlands reserve program. We are prepared to discuss that amendment and hope that we will be able to proceed soon to the consideration of that matter.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont [Mr. LEAHY] is authorized to offer an amendment on which there will be 40 minutes debate, equally divided.

The Senator from Vermont is recognized.

AMENDMENT NO. 917

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 917.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the committee amendment on page 48, line 14, after the words "which are not permanent but are," strike all that follows and insert the following: "for thirty years or the maximum duration allowed under applicable State law; (2) cost-share assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: *Provided*, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: *Provided further*, That none of the funds made available by this Act shall be used to enter in excess of 98,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.".

Mr. LEAHY. Mr. President, I normally would not interfere with part of the overall appropriations bill, especially this one, but I am concerned there is a section of the agriculture appropriations bill that rewrites part of the farm bill and represents substantial authorization activity on an appropriations bill.

I know the position, which I happen to respect, that the chairman of the Appropriations Committee, Senator BYRD, and others have taken, that we should not be authorizing on the appropriations bill.

The section of the appropriations bill in question changes a very important wetlands protection program that was created in the 1990 farm bill. Under this new program, called the wetland reserve, farmers are paid to restore up to 1 million acres of wetlands. In fact, it is going to pay farmers $700 million in tax dollars for the property value of these lands which are to be protected through the use 30-year or permanent easements.

This $700 million will come from the Treasury. The easements are entirely voluntary. If the farmer does not want either a 30-year or permanent easement, then he does not have to sell.

The appropriations bill changes what was negotiated and debated and argued in the farm bill by allowing easements of only 15 years in length. This change violates both the spirit and the intent of the language authorizing the program. The wetland reserve was a compromise. It was worked out, as was much in the 1990 farm bill, between agriculture on one side and the environmental interests on the other.

The wetland reserve was also a compromise between farmers and taxpayers. It provides payments and benefits to farmers for long-term, permanent protection of valuable restored wetlands. We must recognize that the costs of restoration and of the easements are substantial.

The Department of Agriculture estimated for every acre enrolled, the taxpayers—every one of us, not just farmers, not just environmentalists, every taxpayer—will pay $120 in cost share payments and $585 for the fair market value of the land. That means for a 1 million-acre program, $705 million of taxpayers' moneys will be invested.

When we passed the farm bill, Congress established that we said these easements would either be permanent or for 30 years. Congress did this because we did not want to waste the taxpayers' money. If the taxpayers are going to spend $700 million, we wanted them to get something for it. It is as simple as that. Fifteen years of protection is not enough.

We will not be acting responsibly if we say, here is your $700 million, but at the end of 15 years you can then tear the wetland up. We have given a gift to the participants; the taxpayers have given a $700 million gift.

Thirty years was a compromise. Thirty years was what the U.S. Senate voted for on this floor last year. Thirty years is what was in the committee of conference and voted on again by the U.S. Senate and the House of Representatives, signed into law by the President of the United States.

What we are saying now is that we are going to go back on what we agreed to. These restored wetlands are not protected by Swampbuster. In fact, the farmer could go in and drain the wetland and produce crops after 15 years.

So, what we have, if my amendment is not adopted, is a situation in this appropriations bill where there will be a major rewrite of a significant section of the farm bill, something that this Senate has already voted on and approved. But more than that, look at the incredible waste of money, where we would spend $700 million of tax dollars to rebuild drained wetlands, and then purchase voluntary rights, and then say after 15 years: OK, we gave you the $700 million but go ahead and tear up everything that we paid for.

That is a great deal if you are the one on the other end of getting that $700 million but if you are the taxpayer who has to pay for it, it is not a very good deal at all. I do not think we should, in these tight economic times, be giving out tax dollars and waste benefits, whether they are going to farmers or environmentalists or anybody. We ought to be very, very careful how we spend the taxpayers' money.

In this case, we are saying we are going to spend $700 million of the taxpayers' money and just throw it away. I want to restore the wetland reserve program back to what it was in the farm bill, back to the provision that was the result of months of work, discussion, and compromise. A compromise that requires these easements to either be permanent or of at least 30 years in length. If we are going to spend tax dollars, let us make sure taxpayers get their money's worth for it.

If this was a matter put to referendum among taxpayers in this country, they would vote overwhelmingly. If you asked taxpayers, do you want to spend $700 million for something that lasts only 15 years or are you going to spend the $700 million for something that will last at least 30 years and possibly even be permanent, you know ex-

actly what the answer would be. They would vote for the Leahy amendment.

Mr. President, I reserve the remainder of my time.

Mr. BURDICK. Mr. President, as the Senator from Vermont is aware, the House did not fund the Wetlands Reserve Program, which was established in the 1990 farm bill. I have long supported a wetlands reserve and believe that it is important for the Senate to provide funding for this program. However, in order to fund this program, a couple of changes were made in the program.

The 1990 farm bill provided 30-year and permanent easements. For the first signup, the Department of Agriculture intends to offer only permanent easements. Since this is a new program and many farmers are reluctant to tie up their land for a generation or in perpetuity, the subcommittee believed it was important to provide another option. Thus, the subcommittee modified the Wetlands Reserve Program to allow for 15-year easements. I would also point out that the subcommittee limited the Wetlands Reserve Program to 100,000 acres for the first year in order to realize some additional savings.

I would ask that my colleague allow for some flexibility on this matter and see what sort of farmer interest we have in the 15- and 30-year easements and the permanent easement. I know that he is concerned that farmers will place wetlands in the reserve for 15 years and then take that land out at the expiration of the contract. The same may be said for the acres currently in the Conservation Reserve Program. My response is that I think we will have a much higher rate of participation with the 15-year easements because many farmers will not participate in the absence of this shorter easement. I think the benefits of increased enrollment outweigh the disadvantages of placing these wetlands in the reserve for 15 years.

Mr. President, I think participation will come under the proposal that I have offered.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, this is an issue that causes me some concern because we, first of all, had a difficult time attracting support for any funding for this program. Due to the budget constraints and the low allocation that we had for this subcommittee, we had many accounts that needed additional funding, but funds were not available because of these constraints and restrictions on the committee's discretion.

The other body, in its bill, provides no money for this Wetlands Reserve Program. If, in conference, the House position prevails, there will not be any wetlands reserve transactions entered into between landowners and the Department of Agriculture.

So, I thought there was room for an argument that rather than simply providing a small amount of money for some permanent easements—which may or may not be approved in the conference—that it was important to urge that some amount of the money that is appropriated be used for some amount of time less than permanent. A 30-year easement, therefore, which is authorized in the farm bill is an option under the committee's approach.

There are those who worry that tying up land for 30 years is going to be a disincentive and that farmers will not voluntarily participate. This is a voluntary program. It is not a mandatory program. It is an incentive program whereby farmers are offered rental or lump sum payments in exchange for granting these easements to property that could be considered wetlands or maybe previously was unfarmed wetland a further incentive is to restore that land to its original character and provide wildlife habitat. For these and other reasons, the program was created in the farm bill.

Technically, the provision in the committee's bill before the Senate that provides for the 15-year easement is not authorized in the farm bill. Technically, it is bill language that arguably encroaches upon the jurisdiction of the Agriculture Committee.

It was my hope that when this bill came up, we could work out an agreement and permit the bill language that we put in the appropriations bill to stand.

It is not certain that the Department will enter into any 16-year easements. They would have to be negotiated. Farmers would have to be persuaded that it would be a good deal for them to accept some payment for a 15-year easement, at the end of which time they could reclaim the land and, under current law, use it in a way that is consistent with other provisions of the law.

Let me remind Senators that we do have other provisions of law that seek to protect fragile lands from cultivation. We have what is called the sodbuster law. We have the section 404 permit program that prohibits the putting into cultivation of fragile wetlands. It may very well be that all of these laws working together can continue to protect those fragile lands from abuse that is irresponsible and about which and on which the Congress has spoken out on more than one occasion and in more than one bill.

I am trying to search for some way to resolve this in hopes that we do not have an unnecessary confrontation over one small change in the bill. I hope as we debate this matter we can look for some way to resolve it. Maybe we cannot. Maybe we will just have to have a vote on it.

I would point out that this committee worked very hard to provide funding of $91 million for this program. The administration had requested $124 million for the program, but only for permanent easements. It would be unfortunate if we provided that money in the appropriations bill and then none of it was used. We have a lot of other programs that could have used that money.

We have already been in touch with some administration officials who are concerned about the underfunding of the Food and Drug Administration account. That is in the bill. We need to address that problem before this appropriations process has been completed.

There are real needs for some Soil Conservation Service funds that we were not able to provide in this legislation. There are other accounts that I can identify and recall our considering when we were making up this bill that could use that $91 million.

It may be somebody could make a pretty good argument that we just take all of that money out of this account and put it somewhere else—that is what the House did—because there are a lot of other needs. If we cannot resolve the dispute over how we start this program and how much money should be allocated to it, then that could be the end result. We might not have any money for the program. Somebody is going to see this in the bill and say, let us use this somewhere else where there is no dispute.

I am hoping that we can resolve the issue. I would like to see some money left in this account. Whether $91 million is the right amount or not, I do not know.

I hope, as we look at the issue, we can work out some kind of compromise on this issue. That would be my hope.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I want to point out that the committee amendment does not require USDA to accept any 15-year easements. It merely allows them to be offered so that farmers may submit bids based on 15-year easements.

The bid process could be set up to give preference to 30-year easements. Furthermore, the rules for the program could stipulate that 15-year easements could only be accepted if the cost was significantly below that of 30-year easements.

It is also entirely possible that 15-year bids could have much more ecological value than equivalent-sized permanent or 30-year easements. We may be able to enter much more valued wetlands in the reserve by allowing 15-year easements that may not be entered if 15-year easements were not allowed.

The purpose of allowing 15-year easements simply increases the competitiveness of the program. There will be more bids; the Department will have a bigger pool from which to accept bids. It by no means requires that only 15-

year easements be granted. In fact, it does not mean that any 15-year easements will be granted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I yield myself 3½ minutes.

Mr. President, I am concerned when we say that the appropriations bill provision simply gives discretion to move to a 15-year easement from a 30-year easement. Let us be serious. What farmer is going to give a 30-year easement when he or she can get the money for a 15-year easement? They are just not going to do it, especially when you consider that the appropriation bill will allow 20 years of payments on a 15-year easement.

Let me point out what we are talking about. The cost of an acre in the wetlands reserve is about $700. That is twice the average farmland value in North Dakota, twice the average farmland value in South Dakota, twice the value of farmland in Montana, more than the average value of farmland in Nebraska, a third more than the average price of farmland in Kansas.

So what we are setting up is a situation where the taxpayers end up paying more than what the acreage would be worth on the open market. The taxpayer has to pay out all that money, and after 15 years it is gone.

I understand we can never get perfection on a spending bill, and I am not asking for that. But if we are going to be talking about $700 million worth of the taxpayers' money, let us make sure we are getting the most back for it. There are a lot of other areas we need this money for, including in this bill.

I strongly urge that we not go forward with this. I do not know how I would ever justify telling people in Vermont that we just spent $700 million to buy something that we are just going to give back at the end of 15 years, anyway. Most Vermonters would not be able to understand that, and I suspect most taxpayers all over the country would not be able to understand that, unless they happen to be one of those who is getting far more money for their land than it is worth.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I am advised that another Senator is on his way to the floor to speak on the issue. I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield myself 2 minutes.

Mr. President, let me explain one more time why I propose this amendment. I think all of us agree on the necessity for the Wetlands Reserve Program. The distinguished senior Senator from North Dakota has been a strong supporter of that, as has the distinguished senior Senator from Mississippi. We all voted for that in the farm bill. But the fact remains that we are making a dramatic change with no hearings, no testimony, no indication that this is needed. We are telling the American taxpayers to put up $700 million on an untested idea, with no hearings, no testimony, no effort to find out if it is going to work.

Would it not make more sense to stay with what the farm bill has, the 30-year easement to the permanent easement, try it for a year and see how it works. If we have problems with that, then have a hearing. I would commit the Agriculture Committee to move very quickly with legislation.

But right now we are gambling $700 million of the taxpayers' dollars for what I am afraid is going to turn out to be a boondoggle for many farmers in this country. There is no question a lot of farmers need help, but there is also a need to protect the taxpayer's interests. No farmer needs a boondoggle, not with the taxpayers' money. So I hope the Senate will support my amendment.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BURDICK. Mr. President, my colleague has made a wild statement about a boondoggle. A 15-year easement would cost less than a 30-year easement. You get greater participation. More farmers would be glad to be in the program. I think the total cost would be less under this program.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the Chair.

Will the distinguished leader of the Agriculture Committee yield time for me to speak on this issue?

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. Nine minutes and forty seconds.

Mr. LEAHY. I yield to the Senator from Indiana whatever amount of that 9 minutes he desires.

Mr. LUGAR. Five.

Mr. LEAHY. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. I thank the Chair.

Mr. President, I join the distinguished Senator from Vermont, the chairman of the Agriculture Committee, in opposing the language in the agriculture appropriations bill which changes provisions in the 1990 farm bill rather substantially.

The 1990 farm bill authorized a wetlands reserve program which would pay farmers to restore drained wetlands to their wetlands status. Farmers must agree, as you know, Mr. President, to a 30-year or permanent easement on those restored wetlands under the 1990 farm bill. This program is entirely voluntary. No farmer has to participate if the farmer does not like the terms. The appropriations bill before us changes the terms of the Wetlands Reserve Program. This bill would allow 15-year easements as opposed to the 30-year or permanent easements in the 1990 farm bill.

The original provision in the 1990 farm bill allowed 30-year or permanent easements on the basis of many discussions and compromises that occurred during discussion of that legislation. It was especially true of the conservation title which required literally months of give and take on that title alone. The provision determining 30-year or permanent easements was a hard-fought compromise, and I believe it was an important compromise. It is one that I come to the floor today to defend. I believe, Mr. President, in fact it is improper for the Appropriations Committee to alter that compromise with legislation on an appropriation bill.

The Senator from Vermont, the distinguished chairman, has spoken clearly on the merits of changing that provision. Whether one agrees or disagrees on the merits, the work of the authorizing committee and the Congress as a whole should not be undone in an appropriations bill.

Mr. President, I simply point out that the compromise of 30 years, is entirely voluntary with farmers choosing to be in the program. It came from recognition of what had occurred in another conservation program, the Conservation Reserve Program. In that particular program, at least the data in front of me indicates that the average payment per year per acre was approximately $50. Farmers typically signed up for a 10-year Conservation Reserve Program. That meant payments of about $500 during the 10-year period of time. Other studies have shown that the average value of farm land and buildings in 1990 was about $693.

Common sense, Mr. President, tells us that this is a very curious situation. A farmer retires that land for 10 years, and receives back during that period of time almost the full value of the land. Then he puts it out under a new conservation plan, and proceeds to farm again, having received from the taxpayers of the United States, albeit in a

sound program—I have no doubt it was a part of supply management—most of the value of the land.

That is really the issue at hand with regard to a 15- and 30-year issue. If in fact landowners are able to sign up for only 15 years, obtain substantially the value of their land from the taxpayers, and then proceed to back into some other situation, that is not good value for the taxpayers, or conservation programs generally. This is why a 30-year compromise occurred, and in my judgment why the 30-year compromise should stand.

I appreciate there is certain popularity in changing these terms. As a matter of fact, from the standpoint of the landowner, with the shorter time period and the more certainty of receiving payments that approximate the value of the land, there is the certainty of a good return from a difficult situation.

But I am hopeful that the Senate will reject the land reach in the appropriations bill, first because it is legislation on an appropriations bill. It is undoing by the Appropriations Committee of the work of the authorizing committee and then of the Congress in a carefully crafted, multifaceted farm bill of 1990.

Finally, I am not certain that it is equitable to the taxpayers or to persons who are interested in conservation in this country. This is why I took the time to speak to the details with the specific comments and examples in attempting to make my point.

I thank the Chair.

Mr. LEAHY. Parliamentary inquiry, Mr. President. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes and 10 seconds.

Mr. LEAHY. How much time to the proponents?

The PRESIDING OFFICER. Nine minutes, 20 seconds.

Mr. LEAHY. Mr. President, I am going to yield back my time, but first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BURDICK. We yield back our time.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Agriculture Committee and supported by the ranking member to strike Senate Appropriations language directing the U.S. Department of Agriculture to offer 15-year Wetland Reserve Program contracts.

Mr. President, one of the important features of the 1990 farm bill was the creation of the Wetland Reserve Program. This program is designed to encourage farmers to voluntarily enter into long-term contracts with the Federal Government to restore cropped wetlands into viable wetland habitats. I am very pleased that my colleagues on the Senate Appropriations Committee have provided an initial $91 million in funds to commence operation of this program.

Because of the substantial financial costs of this restoration, and the amount of time needed to bring forth normal wetland biological diversity, it makes sense to require a contract of sufficient duration to offset these costs and produce these conditions. In many instances, it will take 10 to 15 years for wetland reserve acreage to again acquire wetland characteristics.

Mr. President, I would note that the cost of wetland restoration is substantially higher than the cost of establishing vegetative coverage on Conservation Reserve Program [CRP] acreage. The Soil Conservation Service estimates that it will cost at least $124 per acre for technical assistance to make wetland determinations, and several hundred dollars per acre, in cost-share funds to implement restoration plans. In contrast, the 10- to 15-year CRP contracts cost an average of $4.50 per acre for technical assistance and approximately $50 per acre for cost-sharing conservation practices.

I also want to express my concern that offering a 15-year wetland reserve contract at the onset of this program will strongly diminish the interest in longer contracts. Some of the supporters of a 15-year contract have suggested that there may be substantial farmer resistance to the longer-term contract which will result in insufficient signup. However, I think this speculation is premature, and I believe that Congress should defer from offering shorter wetland reserve contracts unless it is clearly evident that farmers will not offer up the desired acreage at the longer terms authorized in the 1990 farm bill.

In closing, Mr. President, I do not feel that a sufficient case has been made at this point to substantially change the conditions of the Wetland Reserve Program, and I urge my colleagues to support this amendment.

Mr. COCHRAN. Mr. President, before proceeding to a vote, may I observe that last night when we were working out this agreement to take this amendment up, it was provided in the order that a vote would occur at a time selected by the majority leader.

So for the benefit and information of Senators, my observation is that we will not vote now on this amendment, but at sometime later in the day that is identified by the majority leader, after consultation with the Republican leader.

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. LEAHY. Mr. President, I thank the Senator from Mississippi for that. I was off the floor when that agreement was made. The majority leader was making an effort to protect all Senators, including the Senator from Vermont. I certainly have no difficulty with the agreement.

I was on a family matter with my family and relatives from Italy last night when the agreement was worked out, and I appreciate the help of the majority leader in doing that. But I still yield back the remainder of my time, and assume under the previous order the vote will occur at such times as the leaders decide.

Mr. BURDICK. I want to say to my friend from Mississippi, out in the West a deal is a deal. If we made a deal like that, that is it.

Mr. COCHRAN. Mr. President, the bill is again open for amendment. I know that there are a few amendments that have been discussed with the managers of the bill that could be offered. I hope that Senators who do have amendments to the bill will come to the floor now and offer them so that we can discuss them. Some of those we may be able to take to conference, and others we may not be able to take by agreement or recommendation. But I think we can proceed to a conclusion of this bill within the hour. I see no reason why we cannot.

I hope Senators will come to the floor and present their amendments. We can work toward completion of this bill in a timely fashion.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

Mr. DIXON. Mr. President, I wonder if my friend, the distinguished senior Senator from North Dakota, would accommodate me by engaging in a short colloquy for a few minutes.

Mr. BURDICK. Yes.

Mr. DIXON. I thank the distinguished senior Senator from North Dakota.

PIRCON-PECK PROCESS

Mr. DIXON. Mr. President, I rise today in support of an exciting and innovative technology, the Pircon-Peck process.

The Pircon-Peck process utilizes sulfur from boiler coal combustion as basic fertilizer ingredients. The fertilizer produced has the same quality as fertilizer presently used by our country's farmers.

Sulfur is the most costly component of fertilizer, representing more than 50 percent of the nitrogen-phosphate fertilizer manufacturer's per-unit production cost. Whether it is mined or recovered, sulfur is scarce and costly, and the U.S. imports much of it. This only adds to our Nation's trade deficit.

With the Pircon-Peck process, sulfur is obtained from Midwestern coal, and is utilized in the production of agricultural fertilizer. Rather than being a pollutant, the sulfur is used as a valuable mineral.

Participants of the Pircon-Peck process include the U.S. Department of Agriculture, the University of Illinois, the Illinois Department of Energy and Natural Resources, the Illinois Department of Commerce and Community Affairs, Western Illinois University, the Institute of Gas Technology and Resources and Agricultural Management, Inc.

Congress appropriated $2.1 million in fiscal year 1988 to initiate this program, and the State of Illinois has provided $4.5 million. The technology now needs $2.73 million in fiscal year 1992, to fulfill the Federal obligation of the cost-sharing agreement with the other participants.

Mr. President, this technology makes sense both economically and environmentally. The United States and, indeed, the world, faces the challenge of converting today's pollutants into tomorrow's resources.

While complying with the Clean Air Act is important, it is also costly. The Pircon-Peck process utilizes the sulfur from coal combustion as a valuable component of agricultural fertilizer, rather than it becoming another pollutant; it decreases our dependence on sulfur-imports for fertilizer production; it allows for a high-quality, low-cost fertilizer for farmers; and it generates employment opportunities in rural communities.

I urge my dear friend and distinguished colleague to support the Pircon-Peck process, and recommend that the U.S. Department of Agriculture provide available funds for this technology.

Mr. BURDICK. I understand the concern of the Senator from Illinois about this technology and urge the U.S. Department of Agriculture to provide for this valuable program.

Mr. DIXON. Mr. President, I deeply appreciate the warm support of the distinguished senior Senator from North Dakota whose influence can make the difference in this matter and I thank him very much for his kind comment at this point in time, and I see my good friend, the distinguished senior Senator from Mississippi, on the floor and I appreciate his concerns always.

Mr. COCHRAN. Mr. President, we thank the distinguished Senator from Illinois. This is a process that has come to the attention of the subcommittee on previous occasions and we appreciate him bringing it to our attention on this occasion.

Mr. DIXON. I thank my good friend, the distinguished senior Senator from Mississippi, who is, as in all other cases, so kind and supportive, and I appreciate it.

I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 1992

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2098, the agriculture, rural development, and related agencies appropriations bill and has found that the bill is exactly at its 602(b) budget authority allocation and is below its 602(b) outlay allocation by less than $50 million.

I compliment the distinguished manager of the bill, the distinguished senior Senator from the State of North Dakota, and the distinguished ranking member of the Agriculture Subcommittee, Senator COCHRAN, on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the agriculture appropriations bill and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2698

AGRICULTURE SUBCOMMITTEE—SPENDING TOTALS

[Senate Reported; in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2698		
New budget authority and outlays	52.5	36.1
Enacted to date	.4	4.3
Adjustment to conform mandatory programs to resolution assumptions	−3.0	
Scorekeeping adjustments	0	0
Bill total	50.0	40.4
Senate 602(b) allocation	50.0	40.4
Total difference	0	
Discretionary:		
Domestic	10.6	9.6
Senate 602(b)	10.6	9.6
Difference	0	0
International	1.5	1.3
Senate 602(b)	1.5	1.3
Difference	0	
Defense	0	0
Senate 602(b)	0	0
Difference	0	0
Total discretionary spending	12.1	10.9
Mandatory spending	37.9	29.5
Mandatory allocation	37.9	29.5
Difference	0	0
Discretionary total above (+) or below (−):		
President's request	.4	
Senate-passed bill	NA	NA
House-passed bill	−.3	−.4

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

MARKETING PROMOTION PROGRAM

Mr. COCHRAN. Mr. President, this bill includes funding for the Marketing Promotion Program.

Formerly known as the Targeted Export Assistance Program, this program was first authorized as part of the 1985 farm bill and again as part of the 1990 farm bill. I am glad the bill includes funding for this important program. While providing priority treatment for those commodities which have been the victim of unfair trade practices, the program is aimed at helping strengthen overseas promotion efforts and enabling U.S. agriculture to compete more effectively in the international marketplace. By any measure, it has been tremendously successful.

It has helped maintain and expand overseas markets for a wide range of commodities, including many produced in my home State of Mississippi, such as cotton, rice, soybeans, meat, poultry, and forest products.

The program has been used for both generic and branded promotions. Branded promotions are especially important to efforts to increase sales of value-added products of U.S. origin. Both require that participants, including farmers through their cooperatives and other marketing associations or organizations, contribute their own resources on a cost-share basis to the success of the program.

Where other countries have worked with their own domestic industries, including agriculture, to open up overseas markets, we are only now beginning to challenge them. Even so, with the Marketing Promotion Program, we are spending only about one-half of 1 percent of the value of our agricultural exports to meet this challenge. We should look for ways to strengthen funding for this important program.

In doing so, the Marketing Promotion Program can continue to allow U.S. agriculture to compete more effectively in the international marketplace, increase export opportunities, contribute to our balance of payments, promote industry growth and new job opportunities as a direct result of increased export activity.

Mr. President, I ask unanimous consent to print in the RECORD a recent letter I received from a number of agricultural interests in support of this important program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COALITION TO PROMOTE
U.S. AGRICULTURAL EXPORTS,
Washington, DC, July 3, 1991.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR COCHRAN: It is our understanding that the Senate Appropriations Subcommittee on Agriculture, Rural Development, and Related Agencies may soon begin consideration of the FY 1992 Agriculture Appropriations Bill. In this regard, we the undersigned organizations are writing to urge your strong support for the Marketing Promotion Program, together with needed funding, in order to allow U.S. agriculture to compete more effectively in the international marketplace and to combat unfair foreign trade practices.

We believe that funding for this important program should be maintained at $200 million for FY 1992. This is the same level approved for FY 1991 and consistent with the

amount authorized annually for FY 1991-95 by the 1990 Farm Bill.

The Marketing Promotion Program (MPP), which was formerly known as the Targeted Export Assistance (TEA) Program, helps strengthen market development and promotion efforts on the part of many U.S. agricultural commodities and products. The program is administered on a cost-share basis and is one of the best examples of an effective public-private partnership. Priority treatment is also given to those commodities and products which have been the target of unfair foreign trade practices.

Such market development efforts not only help improve demand for U.S. agricultural commodities and related products, but serve to strengthen farm income. This, in turn, can have a positive effect on reducing budget outlays related to income and price support activities.

The need to maintain adequate funding for the Marketing Promotion Program is especially critical in view of increasing global competition and continued unfair foreign trade practices. Certainly, now is not the time to reduce funding for this important program particularly at a time when negotiations are still ongoing under the Uruguay Round of the GATT.

For these reasons, we urge your strong support for the Marketing Promotion Program (MPP), together with the funding necessary to achieve its important objectives.

Sincerely,

Ag Processing, Inc.
Alaska Seafood Marketing Institute.
American Farm Bureau Federation.
American Raisin Packers, Inc.
American Sheep Industry Association.
American Soybean Association.
Blue Diamond Growers.
Boghosian Raisin Packing Company.
California Avocado Commission.
California Canning Peach Association.
California Cling Peach Advisory Board.
California Dried Fruit Export Trading Company.
California Kiwifruit Commission.
California Pistachio Commission.
California Prune Board.
California Walnut Commission.
Caruthers Raisin Packing.
Central California Raisin Packing.
Chocolate Manufacturers Association.
Chooljian Brothers Packing Company.
Cherry Marketing Institute.
Dole Dried Fruit and Nut Company.
Enoch Packing Company.
Del Rey Packing Company.
Florida Citrus Packers.
Florida Department of Citrus.
Fresno Co-op Raisin Growers.
Hansa-Pacific Associates, Inc.
Hop Growers of America.
Kentucky Distillers Association.
Lion Packing Company.
Madera Raisin Sales Company.
Mid-America International Agri-Trade Council.
National Association of State Departments of Agriculture.
National Cattlemen's Association.
National Cotton Council.
National Council of Farmer Cooperatives.
National Forest Products Association.
National Grape Cooperative Association, Inc.
National Hay Association.
National Pasta Association.
National Peanut Council of America.
National Potato Council.
National Raisin Company.
National Renderers Association.
National Sunflower Association.
NORPAC Foods, Inc.
Northwest Horticultural Council.
Ocean Spray Cranberries, Inc.
Rice Millers Association.
Sioux Honey Association.
Southern U.S. Trade Association.
Sunkist Growers, Inc.
Sun-Maid Growers of California.
Sun World International.
Tagus Ranch Packing Company.
Tree Top, Inc.
Tri/Valley Growers.
U.S. Meat Export Federation.
U.S. Wheat Associates.
USA Dry Pea & Lentil Council.
USA Poultry and Egg Export Council, Inc.
Victor Packing Company.
West Coast Growers.
Western Pistachio Association.
Western U.S. Agricultural Trade Association.
Wine Institute.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent for 5 minutes to speak on the question of the length of wetlands easements.

The PRESIDING OFFICER. Is there objection to permitting the Senator to speak up to 5 minutes?

If not, the Senator is recognized accordingly.

Mr. CONRAD. I thank the Chair and our colleagues.

WETLANDS EASEMENTS

Mr. CONRAD. Mr. President, I support what the committee has done on wetlands easements. The advantages, I believe, of a 15-year length of term for wetlands easements is very clear and compelling as well.

No. 1, going to 15 years dramatically increases the potential bid pool. Obviously farmers are going to be more willing to enter into an easement that has a 15-year life than a 30-year life. Any time you expand the options you also increase the interest in the program and that is to the benefit of everyone, wildlife interests as well as farm producers.

It clearly represents a much more palatable option for farmers. I think if anyone puts themselves in the position of a farmer, entering into an easement that is going to last 30 years is a very difficult decision. Thirty years is a very long time. Fifteen years is approximately half the productive operating time of an average farmer and 15 years, too, is a long commitment to make but far more reasonable from the farmer's perspective. A 15-year time horizon fits in well with many farming operations.

Mr. President, in my judgment a bid process could be set up to give preference to 30 years in permanent easements; in other words, you would alter the process so that 15 years are possible, but there would also be the potential for a longer easement in that they could be given preference in the bidding process.

I think it is also important to point out for our colleagues who are making a judgment on how they might vote on this issue that some 15-year bids could have much more environmental value than equivalent sized permanent easements. having 15-year easements would allow for vastly expanded value based discretionary judgments.

Mr. President, I think those who are truly concerned about the long-term wildlife values ought to consider whether or not permanent easements are not causing a problem that leads to a counterreaction that is counterproductive. I tell you I can see it in my State in the prairie pothole region of the country. We still have tremendous wetlands available in North Dakota. We are the first State in the Nation to have a no-net-loss provision and policy in law.

Mr. President, one thing we have found is you need to work with the farmers in order to secure wildlife values.

You will not succeed if you alienate the very people that you need in order to accomplish the goal.

Mr. President, I simply conclude by urging my colleagues to support what the committee has done with respect to the 15-year wetland easement.

I salute the chairman, my senior colleague from North Dakota, who has worked exceptionally hard in bringing this legislative measure to the floor. It is a good measure. This was difficult to put together. In my judgment, they have done a superb job.

In addition, I commend the vice chairman, the Senator from Mississippi, who also serves on the Agriculture Committee with me, for the wisdom that he has brought to this process.

It is very tough when you have $400 million less than they had over on the House side. That is what they were faced with here. They have done, again, I think, an exceptionally good job in meeting the needs of agriculture. I especially commend them for this provision on a 15-year easement. It makes good sense for all of the interests of both those who are concerned about wetland values and those who are concerned with protecting the interests of our agriculture producers.

I thank the Chair and yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah [Mr. HATCH].

AMENDMENT NO. 920

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for it's immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 920.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 79, line 14, strike after the number $704,734,000, "of which $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress".

Mr. HATCH. Mr. President, today I offer an amendment to increase the FDA budget by approximately $167 million. This amendment merely removes a restriction in the agriculture appropriations bill which reserves this money until the administration officially requests this additional funding. My amendment removes that restriction and does not require an offset.

I understand why the Agriculture Appropriations Committee wants the administration to officially request these additional funds. It is a political issue. However, I am concerned that in making this political point, we are missing the real point: that is, FDA needs additional funds to get the job done. That should be our sole public policy option.

The total appropriation in this bill for FDA is already about $31 million less than the President's budget request. It is true that the administration proposal calls for funds from user fees, and then failed to follow through on user fee legislation. But we cannot be trapped into a line of reasoning that could lead us to believe that FDA can operate at less than $600 million—certainly an option that no Senator would choose.

The FDA handles 25 percent of all the consumer products of America, and we treat it like a stepsister. The administration is also treating it like a stepsister. That has to stop. And I am going to do everything in my power to see that it stops. We have to start backing this little agency. It has leadership. They are trying to do things right. Both Democrats and Republicans have been pleased with some of the efforts they have been making. The last thing we should do is cripple this agency by not giving it the resources it needs.

FDA is a people agency and the majority of its funding is for personnel costs. We need people to approve drugs quickly to save lives.

People are dying every day from illnesses that might be alleviated if we had people to get the drugs to them. That would at least help alleviate the pain if not alleviate the illness.

We need people to ensure our food supply is safe. We need people to evaluate the safety and efficacy of various therapies, including medical devices, one of the fastest and most important growing industries in this country. We need people to monitor our blood supply to verify that it is free from disease in this day and age where everybody is concerned about HIV-positive tests.

We have to have the people to do all of these. We cannot treat this agency unfairly by not giving them the people they need to do the important jobs we have asked them to do.

I have had several discussions with the Food and Drug Administration's budget officers. If we do not restore part of the $167 million, the following actions would have to be taken. I want everybody in the Senate to understand this.

There would be an immediate hiring freeze, at a time when we need more people than ever. This would include reviewers needed by the Office of Generic Drugs, personnel to implement the provisions of the new medical device amendments, personnel needed to implement the food labeling law, scientists to fill vacancies in the Center for Biologics, which insures the safety of the blood supply, et cetera, et cetera, et cetera.

We could go on and on. The fact is, we need people there. This is a people agency, and we need these funds so that we will have them there.

There would be an elimination of all overtime work at FDA, except that determined to be a justifiable emergency. This means that reviewers who are now working overtime to decrease the time required for new drug applications would not be able to do this. Such a situation would have meant that last month's accelerated review of the new AIDS drug, DDI, may not have been possible, probably would not have been possible.

There would be a reduction by 10 percent in all contract and operating support functions at FDA. We are talking here about reducing enormously the basic service components of FDA when all of us in Congress are concerned with improving the agency's efficiency. I think it is especially important that we support the activities of FDA's new Commissioner, Dr. David Kessler, who is doing a terrific job in trying to improve the effectiveness of the FDA.

A possible furlough of FDA employees would have to be considered. It would be unconscionable on the part of Congress to permit this regulatory agency to start laying off their scientists and reviewers, when we all know how hard it is for the Government to recruit and retain bright, talented people in the sciences.

In fact, we have not hired a new science supervisor at FDA since 1978 because we cannot compete, under current law, with the private industry. So to lose these people at a time when we cannot even hire the caliber and number of scientists that we need there now would just be catastrophic.

If we let FDA employees think that their pay or their jobs are threatened, we will see the impact of this across the board in all of the regulatory activities of the FDA.

Congress often appropriates funds differently than the administration requests. We frequently decide that the administration's budget priorities do not accord with our own. This would not be the first time we have done this.

Let us not play chicken with the administration funds to operate FDA. Let us send a strong message, as the report language clearly does, that we will not accept the administration's user fee facade. But let us not take a chance on sacrificing the agency in the bargain.

Finally, I commit to my colleagues who are managing this bill, both of whom I respect greatly, I will do everything in my power to work with OMB and others in the administration to try to resolve these very, very important problems. I will be glad to march in step with them and to lock arms and do what we can to resolve these problems that must be resolved if we are going to keep this country healthy and strong.

This will keep this country moving in the direction it should with regard to health and safety, including new and improved pharmaceuticals and cures for some of the worst diseases on this Earth as well as new medical devices and all the food concerns the FDA has to take care of us well.

I hope the managers of the bill will accept this amendment because it is a worthy amendment. it is one that will leave it open to the conference committees between the House and the Senate to resolve these issues. In the interim I intend to work with them to try to see what we can do to turn OMB and the administration around. I hope we can all do the things that have to be done to help this agency at a time it needs help the most.

I yield the floor.

Mr. BURDICK. Mr. President, the reason the committee recommended that a portion of the funding for FDA be available only upon submission of an official budget request by the President is that this amount is the amount over what the President has requested for 1992 in appropriated funds.

The committee feels that the President did not submit an honest budget request for FDA when it requested $198 million in user fees. I would like to quote the Edwards Committee report on this issue:

* * * the President's FY 1992 budget request for the FDA is more than $117 million less than it was in FY 1991. The decrease in appropriated funds for the Agency is assumed to be offset by the receipt of more than $197 million in user fees. We believe this approach, at this time, is ill-advised and the specific dollar amount of proposed user fees has no basis in fact.

Mr. President, I do not express an opinion on the advisability of user fees. Rather, this issue is not one for the Committee on Appropriations to decide. It is for the authorizing committee to decide. We have gone out of our way, in my opinion, to provide more funds for FDA than the President requested. We simply want the President to request those funds that are in addition to the amount he did request in his budget before these funds become available for use.

I want to emphasize that Congress will not have to take any further action for these funds to become available. The President simply sends us a budget request for them and then he may use them.

Mr. President, this issue will be in conference so we will face it there. I believe the committee position is the right one, and I will go along with the amendment at this time.

The PRESIDING OFFICER. Is there further debate? The Chair recognizes the Senator from Mississippi [Mr. COCHRAN].

Mr. COCHRAN. Mr. President, I want to thank the distinguished Senator from Utah for raising this issue at this time. The funding request for the Food and Drug Administration presented the committee with some serious problems, for a couple of reasons.

One reason is that the administration asked for an appropriation of only $537,104,000 for FDA salaries and expenses. Last year, this agency was appropriated and used $656,519,000. So, the budget request for appropriated dollars was about $120 million less for this coming fiscal year than the current year appropriated level—$120 million less. This is clearly an insufficient amount to operate the Food and Drug Administration.

In the budget documents, the administration observed that there had been a standing request of the Congress to authorize user fees to be collected from those industries that have pending license applications and others who deal with the Food and Drug Administration. The user fee request this year amounted to $197,500,000. So the administration assumed that the amount really needed by the agency to operate the next fiscal year would be about $735 million.

So the administration acknowledges that for the FDA to operate next year, they need $735 million. They suggested we appropriate only $537 million and get the rest from user fees.

The problem is that the committee on which the distinguished Senator from Utah serves, the Labor and Human Resources Committee, has jurisdiction over the legislative authorization process. There is no legislative authority for the Food and Drug Administration specifically to collect user fees. This is an issue that has been very controversial. It has been before the Labor and Human Resources Committee in one form or another for discussion purposes for a number of years.

But there is no legal authority for FDA to begin a program for collecting user fees. The administration, when it asked for this money to be raised in that fashion, requested that Congress enact user fee legislation.

This committee—the Appropriations Committee—does not have the authority to authorize a user fee program. So, we are confronted with the dilemma of having an administration budget request that is almost $200 million less than what they say is really needed by the agency, with no way to raise the $200 million except to appropriate it.

Our subcommittee was allocated about $500 million less to appropriate than the House committee. We had to sort through all the requests before this subcommittee—from income support programs for agriculture to nutrition programs that are very popular in this body, the WIC Program, the Food Stamp Program, the School Lunch Program—all of the wide variety of programs.

Some 63 percent of this bill is for nutrition programs; 63 percent of the total agriculture appropriations bill goes to feed people who cannot adequately provide for their own needs. There are other programs the Senate is familiar with—soil conservation programs, agriculture research programs, and on and on.

The Food and Drug Administration gets squeezed in this process because those programs have big constituencies. They are very popular among Senators and Congressmen. When it gets down to who are we going to take the money from to provide this extra $200 million that the committee does not have, we run out of options. That is what happened to this committee.

What we have done in this bill is to suggest to the administration that it declare an emergency, in effect, and request that $45 million of the amount we provide be considered to represent that emergency and that they submit a request for the balance. We come up with a total appropriated figure of $704 million. That is $20 million less than the House figure; that is $30 million less than what the administration suggests this agency needs next year.

How are we going to get around all this? One step that has already been taken that will help us in conference is, as I understand it, the Appropriations Committee chairmen of the Senate and the House have agreed that the allocation available to the agriculture appropriations conference will be closer to the House figure than this committee had allocated to it when we began this markup and bill-writing process.

This means, as a practical matter, that when we get to conference with the House, we will be able to increase the amount for the Food and Drug administration so that it is nearly what the House has, if not the same figure that the House has.

The only other provision that I would say is relevant and meets the criticism that is correctly aimed at this process by the distinguished Senator from Utah, is language that the House includes demanding that the administration submit a budget request for the difference between what it requested and the amount the House appropriated, which is about $188 million. They are demanding that the administration submit a formal budget request for that difference forcing the administration to abandon its call for user fees from the Appropriations Committee.

This is not a new issue, and it is not a new process. In the last few years, the House has had a similar language in its bill. At conference, at the Senate's request, that language has been taken out. It is my hope that in conference we can again persuade the House to abandon that demand.

That is how I visualize this thing working out. If we adopt the amendment offered by the Senator from Utah, which is certainly well intentioned and, as I said earlier, is something that should be raised. However, if we adopt that amendment, it reduces the effective appropriation for the Food and Drug Administration in the Senate bill. The appropriated amount we have right now is $704 million. He strikes certain provisos, one which declares an emergency and $45 million would not become available until submission to Congress of a formal budget request by the President. He suggests that the language that is included in the appropriations bill be stricken, as I understand it. But the practical effect is to reduce the appropriation for FDA.

My hope would be that the Senator could withdraw the amendment or I will be glad to try to respond to any further questions—I know the distinguished Senator from North Dakota will, too—to further explain how we got where we did in the appropriations bill. We are not trying to be cute or tricky. It was the only way we could figure out to appropriate an amount that comes close to what the agency needs and not violate the allocation that is made to this subcommittee and not purport to legislate a user fee program. So we were in a dilemma.

I hope the Senate understands that and will be patient with us as we go through the process and permit us to try to resolve all this in conference. Our efforts will be to get an amount of money for this agency that will permit them to operate effectively and efficiently during fiscal year 1992.

The PRESIDING OFFICER. Is there additional debate? The Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, the other part of the bill we are striking are the

words "$704,734,000, of which $188,858,000 $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress."

Those are the only words we are striking, and we think it does clarify and resolve this matter so that the conference committees can approach it and do what needs to be done in this particular instance.

Mr. President, I urge the adoption of the amendment at this time.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, after having an opportunity to confer with the distinguished chariman of the subcommittee, and further with the distinguished Senator from Utah, a question that I had raised about the amendment of the Senator from Utah has been clarified. It was my understanding that he struck a proviso in the bill that required the administration to designate an emergency pursuant to the Balanced Budget and Emergency Deficit Control Act.

I am advised now that the amendment does not strike that language, but it does strike the language that would require the administration to submit an official budget request for a specific dollar amount. That is the language that the House has typically been including in its bill and which it included in this bill that it sent over this year. The amount they insisted be requested was $189 million. We changed that amount to $168 million.

But in a spirit to carry forward with what we hoped to accomplish in conference—that is, to get that entire section stricken—I see no reason why we should not accept the suggestion of the Senator from Utah.

So I am prepared to recommend—and I think the Senator from North Dakota is as well—that we accept this amendment, and take it to conference. It will probably give us more leverage with the House as we go to conference.

I thank the distinguished Senator from Utah, and I recommend that we accept his amendment.

The PRESIDING OFFICER. Is there additional debate?

Mr. BURDICK. Mr. President, we also accept it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Utah.

The amendment (No. 920) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. I thank my colleagues for their consideration.

Mr. COCHRAN. Mr. President, let me thank the distinguished Senator from Utah. He has provided very strong leadership in this area of the law for a good many years. He is one of the foremost workers regarding the Food and Drug Administration. We appreciate his helping to make sure that we get the kind of appropriation that this agency needs to operate next year. I wish to express the very sincere gratitude that I feel for his being here, and presenting the issue in the way in which he has done it.

Mr. HATCH. I thank my colleague.

AMENDMENT NO. 921

Mr. BURDICK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for himself, Mr. COCHRAN, Mr. KASTEN, Mr. BOND, MR. BUMPERS, and Mr. DURENBERGER, proposes an amendment numbered 921.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

Mr. BURDICK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, line 14, strike: "$1,840,000,000" and all that follows through "loans" on page 52, line 16, and insert in lieu thereof: "$1,922,140,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

On page 53, line 4, strike: "guaranteed loans" and insert in lieu thereof: "unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans"

On page 52, line 22, before the "." insert: ": *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters, of fiscal year 1992".

Mr. BURDICK. Mr. President, this amendment reduces the direct operating loans by $100 million and increases subsidized guaranteed loans by $182,140,000. It also provides that loan funds under the Agricultural Credit Insurance Fund shall be allocated to the States and made available for obligation in the first two quarters of the fiscal year. I believe the amendment has been cleared and I ask for its adoption.

Mr. COCHRAN. Mr. President, one other thing that this amendment does is to direct that loan funds made available for direct operating and ownership loans be fully allocated in the first 6 months of the year. We hope this will allow States to know up front how much they will have to lend and can process farmers' applications in a timely manner.

At first, this guaranteed loan program was very unpopular. Nobody wanted it. Farmers who were eligible for those loans wanted the direct loans from the Farmers Home Administration. However, in recent years private lending institutions have become more willing to participate in the Farmers Home Administration guaranteed loan program. There is a trend away from the direct lending.

The involvement of traditional lending institutions, banks and others, has actually improved the integrity of the credit program. But because of the way the loan programs are scored under credit reform, the committee has given increased emphasis to direct loans over guaranteed loans. Subsidized loans are more costly than direct loans, so it is a disincentive to have guaranteed loans.

This amendment attempts to address that. In our committee markup session the distinguished Senator from Wisconsin, [Mr. KASTEN], raised this issue, and we had an opportunity to discuss it and to look for alternatives. The amendment that we are presenting to the Senate at this time represents the culmination of that discussion and that effort to achieve some real reform in the credit program. I think it will do that.

I commend the distinguished Senator from Wisconsin for his leadership in pushing the committee to find a way to support the administration in its effort to have more of these loans in the guaranteed loan program but at the same time protect the interests of those who depend on direct lending.

Mr. President, I recommend the approval of the amendment.

FARMERS HOME ADMINISTRATION INTEREST ASSISTANCE

Mr. BUMPERS. Mr. President, I rise in support of the amendment to provide funding for the Guaranteed Loan Interest Assistance Program administered through the Farmers Home Administration. Although this amendment will result in a reduction in the direct operating loan account, I feel it is important we provide farmers an array of farm credit options.

First of all, I want to say the direct loan program is very popular in my State and has, in many cases, meant the difference between the survival or failure of family farms. Before I could support a reduction in that program, I had to have assurances from the Farmers Home Administration that the availability of farm credit would not be adversely affected by this transfer.

Over the past several years, I have heard story after story from farmers

who had made applications for FmHA loans, either direct or guaranteed, but encountered so many delays that the loans were not able to be closed until the crop year was at an end. I know that every story has two sides, but the frequency with which I have heard similar complaints has given me serious concern that farmers were suffering from delays that were unnecessary.

Last Friday, I sent a letter to FmHA Administrator, La Verne Ausman, and explained my concerns about the way FmHA loan programs have been implemented. I shared with him my support for the Interest Assistance Program but told him that I expected improvement in the administration of farm loan programs before I could support a reduction in direct loans.

Yesterday, I received a reply from the Administrator in which he agreed to work with me to improve the effectiveness of these programs and to eliminate any problems which may have resulted in needless and harmful delay. I also received an assurance from Mr. Ausman that funding the Interest Assistance Program will help free up FmHA personnel resources to concentrate more time on direct loan making and servicing. I ask unanimous consent that copies of my letter to Mr. Ausman and his response be made part of the RECORD.

I do intend to work with FmHA to make sure that the loan programs for which we provide funding will serve the purposes we intend. The need for adequate and timely farm credit services are too important for our rural constituents for us to ignore. Just last week, two farmers from my state finally got approval of their operating loans from FmHA for this crop year and they began working with their county offices in February. Delays of this nature are uncalled for and I know there are cases where both farmers and loan officers can improve their expertise in the growing complexities of farm finance.

In another part of this appropriations bill, I have worked to include funding for the Center for Farm and Rural Business Finance through a CSRS special grant for the University of Arkansas and the University of Illinois. This program will help provide farmers and rural businesses the expertise needed to cope with the growing complexities of farm and rural finance and, together, with the assurances from Mr. Ausman, should go far in bringing together lenders and borrowers across rural American to make loan making more timely and effective.

We must not lose sight that one of the long-term goals of FmHA programs is to help farmers move from federally subsidized credit programs into the arena of commercial credit. The FmHA programs have historically given farmers a chance to begin operations and to get them through difficult times. Once given these opportunities, farmers acquire the expertise and knowledge to grow and to become better and more efficient farmers. The interest assistance program will go far in helping farmers make the transition from subsidized credit into the marketplace of commercial credit. This program, in my opinion, will go far toward to goal of farmer graduation.

This amendment will also increase the amount of farm credit available through FmHA programs. By moving money into the interest assistance program, we will be increasing the level of FmHA lending by approximately $82 million. In addition, we will be requiring the agency to allocate funds to the state and county levels on a more expeditious manner. Through this action, we will be increasing the amount of credit available, we will be getting it to the farmers more quickly, and through the assurances of the Administrator, the loan making and servicing procedures should become more sensitive to farmer needs.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 25, 1991.

Mr. LA VERNE AUSMAN,
Administrator, Farmers Home Administration, Department of Agriculture, Washington, DC.

DEAR LA VERNE: I appreciate the time you took recently to visit with my staff regarding issues under review by the Senate appropriations process that are of importance to your agency. In particular, I noted your support for the interest assistance program associated with guaranteed farmer program loans. I agree that the interest assistance program will serve a proper function in helping farmers make the transition from direct FmHA assistance into the area of commercial credit.

Earlier this week, the Senate Agriculture, Rural Development, and Related Agencies Appropriations Subcommittee marked-up the FY 1992 bill at both the subcommittee and full committee levels. No funding has been provided in either the House or Senate bills to continue this program for the coming year. Senate floor action is not yet scheduled, but could occur at anytime.

I don't need to tell you the budgetary constraints under which we must operate. The budget agreement approved last year has placed even further restraints on our array of choice as we select the programs to receive funding from continuingly shrinking allocations. Although I share your concerns that the interest assistance program move forward, I fear that our only opportunity may be tied to a reduction in funding for direct loan programs.

The FmHA direct loan programs have been very popular in my state and have, in many cases, made the difference between failure or survival of family farms. In spite of the popularity of this program, I must say there are still problems of delay and administrative red tape which have been relayed to me on numerous occasions. Farming is an occupation in which time has little mercy and what may seem like an insignificant delay to a loan officer may result in total failure of a farming operation.

By coincidence, I have received reports just this afternoon that two farmers who had contacted me from my state were finally able to get approval of direct loans that had been submitted to the National Office for obligation. These farmers first began working with their FmHA county offices in February! I recognize there are usually two sides to every story, but the frequency with which I have heard problems similar to that described above makes me believe that there must be a better way to assure farmers that are not being forgotten and that the program authorized and funded by the Congress will serve them as intended.

As I stated above, I share your interest in the interest assistance program and I hope we will be able to provide funding sufficient to move this program forward in FY 1992. Still, I am a little hesitant to reduce funding levels from the direct loan program until I can receive some assurance that reductions in that program level will not be compounded by problems of administrative delay and borrower frustrations.

I hope that we can continue working together to achieve a positive result to the current funding shortfall. My staff or I would be glad to discuss specific problems with you that have been relayed to me by Arkansas farmers and commercial lenders. I know that we share a common goal of making adequate farm credit programs available to American farmers and I look forward to hearing from you on how we may proceed.

Sincerely,

DALE BUMPERS.

FARMERS HOME ADMINISTRATION,
Washington, DC, July 29, 1991.

Hon. DALE BUMPERS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUMPERS: Thank you for your letter of July 25 and your continuing support for the interest assistance component of the Farmers Home Administration's (FmHA) guaranteed farm operating loan (OL) program.

Some reduction in direct OL funding can be accomplished without an adverse impact on the direct program to accommodate a reasonable level of interest assisted guarantees. Actual obligation rates this year and last have been below the proposed FY 1992 funding level. This year we will only use approximately $500 million in Direct Operating fund.

Regarding your concern with respect to timeliness in processing direct OL applications, please be assured that we are making, and will continue to make, every effort to see that such applications are acted upon without undue delay. In fact, we are convinced that expanded use of the guarantee program will substantially improve the performance of our County Offices in this respect.

One of the principal benefits of the guarantee program, which may not be widely recognized, is its reliance on the processing resources of commercial lenders and the Farm Credit System. Every loan made by such a lender with an FmHA guarantee means a reduction in the loan making and servicing workload of the County Office, thereby freeing staff resources to devote greater time and effort to direct loan borrowers.

That reality aside, assurance of timeliness in loan making is essentially a management responsibility, involving a commitment from the National Office and the State Office as well as County Office personnel. And I can assure you that, as Administrator, I am committed to expeditious processing of direct

loan applications whatever the program level provided by the Congress.

In response to your letter, I have informed the Arkansas State Director of Farmers Home of your continuing concerns with timely performance by FmHA personnel, and the fact that I share those concerns. I also have instructed the Legislative Affairs Staff in the National Office to contact your staff for specific information on the two cases mentioned in your letter so that they can be reviewed here at the Washington level.

Again, thank you for your letter and your recognition of the merits of the guaranteed operating loan program with its interest assisted component. That program, plus FmHA staff and borrower training mandated by the Food, Agriculture, Conservation, and Trade Act of 1990 and our commitment to make them work should go far toward resolving concerns you have expressed on behalf of your commitments.

Sincerely,

LAVERNE AUSMAN,
Administrator.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 921) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I know that other Senators have expressed an interest in offering amendments to the bill. We hope that we can wrap up the considerations of this bill in a timely fashion.

We have pending before the Senate a vote that will occur on the Leahy amendment, and the yeas and nays have been ordered. The time for actually having that vote has not been announced by the majority leader. We are expecting him to announce it soon so Senators can be on notice that there will be at least that vote. There may be other amendments that will require a vote, although we are not aware of any at this time.

For those who have amendments, we hope they will come to the floor and offer them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. Mr. President, I ask to proceed as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MARKET PROMOTION PROGRAM

Mr. SEYMOUR. Mr. President, I want to acknowledge the efforts of the chairman of the Subcommittee on Agriculture and related agencies, Senator BURDICK, as well as my good friend, the senior Senator from Mississippi, Senator COCHRAN, for their work on the committee and, specifically, the Market Promotion Program.

Mr. President, the Market Promotion Program, formerly the Targeted Export Assistance Program, has been instrumental in increasing U.S. commodity exports to new markets. Established in the 1985 farm bill, the MPP is an effective and efficient program for the promotion of a variety of American commodities in over 100 foreign markets. Support for the MPP is especially important now, as U.S. agricultural producers strive to overcome trade barriers and restrictions to international markets.

The Marketing Promotion Program is a particularly effective program for promoting the export of many of California's specialty crops. Producers of these commodities depend upon the MPP for the promotion of their products in international markets, and especially in countries where these exports have been adversely affected by unfair trade practices.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

AMENDMENTS NOS. 922 AND 923

Mr. WIRTH. Mr. President, I have two amendments which I believe have been cleared on both sides, and I would like to offer those amendments at this point. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH] proposes amendments numbered 922 and 923.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendments are as follows:

AMENDMENT NO. 922

On page 15, line 10, strike "$61,978,000" and insert in lieu thereof "$63,978,000";

On page 15, line 12, strike the semicolon ";" insert a comma "," and the following new text: "of which $2,000,000 shall be available for global change research for the monitoring of ultraviolet radiation"; and

On line 12, strike "$102,000,000" and insert in lieu thereof: "$100,000,000".

AMENDMENT NO. 923

Page 11, line 14, after "$629,143,000" insert: "of which $750,000 is available for the Center for Russian wheat aphid research at Colorado State University".

Mr. WIRTH. Mr. President, both of these amendments relate to phenomena in the high plains area. One of them relates to a research project requested by the Department of Agriculture to look at the impact of ultraviolet rays on crops as we move into a day and age of global climate change and the change in the ozone layer. This research had been requested by the Department of Agriculture.

The second amendment relates to Russian wheat aphid research and the establishment of a program in the high plains, the Center for Russian Wheat Aphid Research.

I thank very much the distinguished chairman of the Agriculture Appropriations Subcommittee and the ranking Republican for their assistance in the drafting and working through of these two amendments.

Mr. President, I hope my colleagues will join in accepting these two amendments.

The PRESIDING OFFICER. Is there further debate?

Mr. COCHRAN. Mr. President, we have reviewed the amendments and discussed them with the majority side. We are prepared to recommend the amendments be agreed to by the Senate.

Mr. BURDICK. We agree.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments en bloc.

The amendments (No. 922 and 923) were agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 924

Mr. BURDICK. Mr. President, on behalf of Senator HARKIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. BURDICK], for Mr. HARKIN, proposes an amendment numbered 924.

On page 44, line 23, strike "$3,500,000" and insert in lieu thereof "$10,000,000".

Mr. HARKIN. Mr. President, I rise to offer an amendment to the agriculture appropriations measure which will increase the amount appropriated for the water quality incentives program from $3.5 million currently provided in the bill to $10 million. I am grateful to have the agreement of Chairman BURDICK and Senator COCHRAN.

The Water Quality Incentives Program was adopted as part of the 1990 farm bill to create a system of incentives to encourage farmers to adopt

practices that will reduce the potential for contamination of ground and surface water from agricultural production. The emphasis of the program is on improved efficiency in the management and use of farm chemicals, crop nutrients, animal wastes, and other crop production inputs. The program thus also helps to improve the farmer's bottom line as it protects water quality.

Relying on modest incentive payments to help farmers implement environmentally sound management practices, the program has been hailed as a bridge between the agriculture sector and the environmental community. Farmers want to protect water quality. This program will help them adopt the technology and practices to accomplish that.

I crafted the Water Quality Incentives Program after a highly successful pilot project in Butler County, IA.

The Water Quality Incentives Program is also a very cost-effective way to utilize Federal funds to promote water quality. USDA is currently taking land out of production for water quality protection through the Conservation Reserve Program. However, it costs about $55 an acre each year to take land out of production, but it would cost only around $7 a year for 3 to 5 years to enroll an acre in the Water Quality Incentives Program. In any event, it is not realistic to expect that we can take out of production all land on which agricultural production creates the potential for water quality problems.

By increasing the funding for the Water Quality Incentives Program to $10 million we will provide enough to give a good start to the program. With this amount of money, for example, USDA could make a lot of headway on tackling the problem of nitrate contamination of water supplies, a very serious concern in my State.

To reach the $10 million figure, my amendment taps an additional $6.5 million of funds designated for the agricultural Conservation Program. In the committee report, ACP funding was increased $3.5 million in order to provide money for the Water Quality Incentives Program. Water quality has long been a goal of the ACP. However, by shifting money into the carefully constructed framework of the Water Quality Incentives Program, my amendment will bring a sharper focus to USDA's water quality efforts by emphasizing changes in farming practices that directly reduce the potential for water quality problems. The result will be more effective protection of water quality and more effective use of Federal money.

The PRESIDING OFFICER. Is there further debate?

Mr. COCHRAN. Mr. President, we have had an opportunity to review this amendment. We do think it is an amendment that improves the bill. We recommend it be agreed to.

Mr. BURDICK. I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 924) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, for the information of all Senators, we are presently communicating with Senators who have expressed an interest in offering an amendment to this bill and to advise them that we are hoping to wrap up the consideration of this bill within the next 20 minutes. The majority leader hopes that we can extend the time for consideration of the bill here on the floor until about a quarter of one.

The meetings of the parties in the caucuses that are scheduled for 12:30 could occur later so that we could complete action on the bill and maybe have a vote on the Leahy amendment and final passage of this bill, if that is the will of the Senate, after those meetings have concluded after 2 o'clock this afternoon. That is what we are working on right now. We hope that, if Senators do have an interest in presenting an amendment, they will come to the floor and do that.

We have an indication that there are two or three Senators on the Republican side of the aisle who were considering offering amendments. We hope that they will let us know whether they intend to offer those amendments or whether we can go to third reading of the bill. We would appreciate advice from Senators on that subject.

REVISED ORDER FOR RECESS

Mr. COCHRAN. Mr. President, in that connection, I have been asked by the leadership to ask unanimous consent that the previously ordered recess be delayed so that it begins at 12:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I thank the Chair.

Mr. President, seeing that no Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 925

(Purpose: To provide that none of the funds made available by this Act may be used to issue certain final regulations)

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HELMS, proposes an amendment number 925.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act shall be used to issue a final regulation to carry out section 214 of Public Law 98-180.

Mr. COCHRAN. Mr. President, this amendment would delay for a year the final regulation for the tobacco export reporting language requiring tobacco exporters to keep burdensome records regarding domestic content. The basic problem lies in the fact that manufacturers do not use USDA grading standards once the leaf enters their manufacturing facility. Therefore, accurate and cost efficient recordkeeping becomes extremely difficult.

This study was included in the 1990 farm bill in conference and never was debated here or considered in the Senate or the Senate Agriculture Committee and there were never any hearings on either side. This study has run into some problems at the Department of Agriculture because of the potential cost for tobacco growers and lost exports that could result.

I might also add, Mr. President, that in checking with the Department, there had been some hope that they could resolve issues between industry and the Department relating to how these regulations would be drawn and how they would be enforced. So this amendment would postpone for 1 year the final regulation implementation by the Department.

This was raised in the Appropriations Committee. There was some discussion about whether or not it could be agreed to there. It was withdrawn. I offered the amendment at that time and withdrew the amendment. But I bring it to the attention of the Senate and hope that it can be included in our bill and we will be permitted to take this issue to conference with the House.

The PRESIDING OFFICER. Is there further debate? If there be no further debate, the question is on agreeing to the amendment.

The Senator from North Dakota?

Mr. BURDICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW YORK BOTANICAL GARDEN

Mr. MOYNIHAN. Mr. President, I would like to take this relatively quiet moment in the deliberation on the Agriculture appropriation bill to ask my dear friends, the managers of the legislation, about a construction project of very, very great importance to this Senator, and I would hope to the whole body. That is the construction of a new building at the New York Botanical Garden to store its 5-million-item collection of plants and seeds.

This is not an ordinary collection. This is the largest such collection in the United States. It is the genetic memory of three centuries.

In 1895 the Botanical Garden was established in the North Bronx on some 400 acres of forest. It was given the seed collection of Colombia College, dating back to the 18th century when it was King's College, and also of Princeton.

A large, and for the time the largest-ever, building was built to house this collection. And over a century, it has filled up. There is as good a collection at Kew Gardens in London. And there are some on the continent that have equivalent resources. But none better.

The garden is enormously active in research and loans. Mississippi University researchers will be sending for plants that were spotted in the 1820's, in the 1720's. North Dakota University Ag Extension will be asking for forms of native vegetation from when the buffalo were there. The garden has the only records of ecological systems that do not exist anymore.

The garden has to have a new building. We had hoped that out of the $60 million in the construction account this year, there might be $5 million for the Federal contribution to a new building, to be matched by New York City and increased by the State, the garden, and other donors. This was not possible. But I understand that there is a possibility the appropriation level for agriculture will be raised in conference above the Senate figure. This is the desire of the House.

I wondered if I could ask my revered chairman whether it would be possible to hope that, when this happens, the provision for the New York Botanical Garden, which is $1.4 million, might be raised.

Mr. BURDICK. As the Senator well knows, the budget this year is very tight and we have to be careful how we spend this money. But the program that he has announced is a very good program and we will do our best at conference to see that it gets more money.

Mr. MOYNIHAN. I do very much want to thank the chairman for that.

May I make the point that this, the New York Botanical Garden, comes to the Senate once a century. We do not do this frequently. We should do it now, for this is a national resource. The Department of Agriculture specifically recommends that this building be built. This is a repository for genetic material. If there is no room to keep it, if lack of climate control ruins it, it is gone. And so, I say to my revered friend from North Dakota, if this were in Mississippi, if it were in Alaska, if it were in Hawaii, it would be just as important to me and I would hope the Senate would feel the same say. This is a national resource.

I see the Senator from Mississippi has risen. I hope I could engage him.

Mr. COCHRAN. If the distinguished Senator will yield, I will be happy to respond to let him know the committee did have a request submitted to it. The distinguished Senator from New York, the Senator's colleague, Senator D'AMATO, asked the committee to supply funds that we understood would be matched by local funds up to the level of about $10 million, as I understood it, for this phase of the project.

Mr. MOYNIHAN. They will be.

Mr. COCHRAN. The committee was asked last year to provide some funds for a feasibility study and that was done. The Department of Agriculture supported the feasibility study.

This year, the next phase of the project is for planning and the House has, in its bill, $1.3 million. We added an additional $100,000 to that so this bill, as before the Senate now, has an appropriation of $1.4 million. The additional funds were added at the request of Senator D'AMATO in the full Committee on Appropriations. I am hoping we can make a contribution, whatever a fair contribution is, from the Federal Government to match local funds to see that this project is completed.

I hope we can continue to work with the distinguished Senator and I thank him for bringing this up at this time.

Mr. MOYNIHAN. Will the Senator yield?

Mr. COCHRAN. I am happy to yield.

Mr. MOYNIHAN. I thank the Senator for those statements. This is the first time the garden ever asked our help. It is to build a facility that can hold its collection, which grows constantly as other institutions that can no longer maintain their collections donate them to the garden. The existing building has no climate controls, a serious threat to these 5 million specimens.

At a time when we are beginning to think about biodiversity as an aspect of agriculture and the environment, here is an opportunity to see what people brought back from the rain forests, from the prairies, from the virgin forests, from the Lewis and Clarke Expedition. It has no counterpart on Earth in specimens from our hemisphere. The building is ready to be built. Put it up. Be proud of it. And the Senators will have the deep and abiding thanks of the New York delegation and the Nation. I thank the Senator.

Mr. COCHRAN. I thank the Senator from New York for his information and suggestions. We will try to work with him in the future, and with the other Senator from New York, to see that this project moves along.

Mr. MOYNIHAN. My very good friend indeed.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, may I ask if I can get unanimous consent to set aside the pending amendment, in order to propose an amendment by Mr. HELMS and myself?

Mr. COCHRAN. Mr. President, I do not have any personal objection to that. I am assuming the Senator has consulted with Senator HELMS and he has no objection to his amendment being set aside.

Mr. SANFORD. This is a matter of great importance to both of us. I want to be sure I get it in in proper time and then it can be set aside for consideration.

Mr. COCHRAN. I want to assure on my part the Senator is protected. Will the Senator withhold 1 second?

Mr. SANFORD. Once we offer it, we can set it aside.

Mr. COCHRAN. Mr. President, I am reluctant to agree to setting aside the Helms amendment without permission of Senator HELMS. We were thinking we were moving to some resolution of that amendment. Could we have a copy of the Senator's amendment, if there is a copy available?

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair reminds the Senator under the previous order, the Senate was to stand in recess 4 minutes ago.

REVISED ORDER FOR RECESS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the time for recess be delayed until the hour of 1 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, with respect to the amendment that this Senator sent to the desk earlier regarding the tobacco regulation, I am now advised we may be able to proceed to take that amendment and take that issue to conference. We checked with

someone who thought they had a problem with that. Now we understand that problem has been resolved. I inquire of my friend from North Dakota if we could proceed to accept that amendment.

Mr. BURDICK. We have no objection at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 925) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I think now the Senator from North Carolina [Mr. SANFORD] has an amendment that he wants to offer. That will be timely at this point.

AMENDMENT NO. 927

(Purpose: To provide funding for the Bowman Gray Nutrition Center at Wake Forest University)

Mr. SANFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending Leahy amendment will be set-aside. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself and Mr. HELMS, proposes an amendment numbered 927.

On page 30, line 11, strike "$720,436,000" and insert in lieu thereof "$707,936,000"; and

On page 17, line 21, strike "$60,769,000" and insert in lieu thereof "$73,269,000".

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to the bill, other than the committee amendments and the Leahy perfecting amendment, be the following: the pending Sanford amendment regarding cooperative State research centers, and a possible amendment by Senator SIMPSON regarding REA loans, with the pending Sanford and possible Simpson amendments being subject to relevant second-degree amendments.

I further ask unanimous consent that no motion to recommit be in order.

I further ask unanimous consent that the time between 2:15 p.m. and 2:20 p.m. be equally divided and controlled between Senator LEAHY and the bill's managers and that at 2:20 p.m., the Senator vote on the Leahy amendment No. 917; that upon the disposition of the Leahy amendment, the Senate, without any intervening action or debate, adopt the remaining committee amendment.

Mr. COCHRAN. Mr. President, reserving the right to object, I do not intend to object but simply want to inquire of the leader—that nothing in this agreement would prohibit or impede having a colloquy introduced in the RECORD between Senator DOLE and the managers or Senator WARNER and the managers.

Mr. MITCHELL. That is correct. This merely limits the amendments, and colloquies could still be permitted.

Mr. COCHRAN. We have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues. Senators should then be aware that a rollcall vote will occur on the Leahy amendment at 2:20 p.m. and it is my hope that shortly thereafter we will be able to dispose of the two remaining amendments, and then have final passage on this bill.

Then I intend to seek consent to proceed to the Commerce-Justice-State Department appropriations bill which I hope can be sometime during the afternoon today.

Mr. President, I thank my colleagues.

Although, at my request, the distinguished Senator from Mississippi extended the time until 1 p.m., unless the managers believe otherwise, I think it would be appropriate to recess now unless any Senator is seeking recognition.

Mr. HELMS. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. HELMS. What is the status of the Sanford amendment?

Mr. MITCHELL. That will be the pending business. That would be following the disposition of the Leahy amendment and the committee amendments. Those will occur at 2:20. There will be a vote on the Leahy amendment. Then, under this agreement, the remaining committee amendments will be adopted. Then the Sanford amendment will be the pending business.

RECESS

Mr. MITCHELL. Mr. President, I therefore ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:56 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

AMENDMENT NO. 917

The PRESIDING OFFICER. Pursuant to the previous order of the Senate, there will be 5 minutes of debate, equally divided, between the managers of the bill, Senator COCHRAN of Mississippi, and Senator BURDICK of North Dakota on one side, and Senator LEAHY of Vermont on the other side. The pending question is the Leahy amendment, No. 917.

Who seeks recognition? I say to the parties that the time is running.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield myself 1 minute.

Mr. President, the amendment before the Senate is a simple one. It just says that if the taxpayers are going to spend $700 million of all our money, they ought to get what they are supposed to get.

We wrote out very clearly in the farm bill, voted on by a majority of this Senate, voted on in the committee at conference, signed into law by the President, we would have 30-year easements. Now, with no hearings, no authorization, the Appropriations Committee has tried to change that.

What they are saying is that we are going to spend $700 million without the kind of responsibility we have. That is why the administration supports the Leahy amendment.

I ask unanimous consent that a letter from the Department of Agriculture, Office of the Under Secretary, supporting the Leahy amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE UNDER SECRETARY,
Washington, DC, July 30, 1991.

DEAR SENATOR LEAHY: The administration would support your amendment to the Senate Agriculture Appropriations bill, H.R. 2698, striking language authorizing 15 year easements under the Wetlands Reserve Program. Under the 1990 farm bill, a conservation easement may extend for 30 years or be permanent or run for the maximum duration allowable under state law. The administration supports the farm bill provision as providing the maximum environmental benefit from enrollment in the Wetlands Reserve Program.

Sincerely,

JOHN CAMPBELL,
Deputy Under Secretary, International Affairs and Commodity Programs.

The PRESIDING OFFICER. Who seeks recognition under the rule?

Mr. BURDICK addressed the chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, I hope that my colleagues can support the committee amendment and oppose the amendment of the Senator from Vermont. This would allow for some flexibility in administering the program to see what sort of farmer interest we have in the 15-year and 30-year ease-

ments and the permanent easement. I think we will have a much higher rate of participation with the 15-year easements, because many farmers will not participate in the absence of this shorter easement.

Mr. President, I want to reiterate the point that the committee amendment does not require USDA to accept any 15-year easements. It merely allows them to be offered so that farmers may submit bids based on 15-year easements.

It is also entirely possible that 15-year bids could have much more ecological value than equivalent-sized permanent or 30-year easements. We may be able to enter much more valued wetlands in the reserve by allowing 15-year easements that may not be entered if 15-year easements were not allowed.

The purpose of allowing 15-year easements simply increases the competitiveness of the program. There will be more bids, the Department will have a bigger pool from which to accept bids. It by no means requires that only 15-year easements be granted, and in fact, USDA may not choose not to accept any 15-year easements.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Does the Senator from Mississippi wish to be heard on this?

Mr. COCHRAN. No.

The PRESIDING OFFICER. The Senator from Vermont has 57 seconds.

Mr. LEAHY. I yield back my time, Mr. President.

Mr. BURDICK. Mr. President, we yield our time.

The PRESIDING OFFICER. The yeas and nays having been ordered on the amendment, the question is on agreeing to the Leahy amendment No. 917.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Massachusetts [Mr. KENNEDY] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 22, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—76

Adams	D'Amato	Helms
Akaka	Danforth	Hollings
Bentsen	Dodd	Inouye
Biden	Domenici	Jeffords
Bingaman	Durenberger	Kassebaum
Bond	Fowler	Kasten
Boren	Garn	Kerry
Bradley	Glenn	Kohl
Breaux	Gore	Lautenberg
Brown	Gorton	Leahy
Bryan	Graham	Levin
Chafee	Gramm	Lieberman
Coats	Grassley	Lugar
Cohen	Harkin	Mack
Craig	Hatch	McCain
Cranston	Hatfield	McConnell
Metzenbaum	Riegle	Smith
Mikulski	Robb	Specter
Mitchell	Rockefeller	Stevens
Moynihan	Roth	Symms
Murkowski	Rudman	Thurmond
Nickles	Sarbanes	Wallop
Nunn	Sasser	Wirth
Packwood	Seymour	Wofford
Pell	Simon	
Reid	Simpson	

NAYS—22

Baucus	DeConcini	Lott
Bumpers	Dixon	Pressler
Burdick	Dole	Sanford
Burns	Exon	Shelby
Byrd	Ford	Warner
Cochran	Heflin	Wellstone
Conrad	Johnston	
Daschle	Kerrey	

NOT VOTING—2

Kennedy	Pryor

So the amendment (No. 917) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was adopted.

Mr. BURDICK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 927

The PRESIDING OFFICER. The question now recurs on the amendment, No. 927, offered by the Senator from North Carolina [Mr. SANFORD], to the original bill.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment of the Senator from North Carolina deals with a project in the State of North Carolina, at Wake Forest University. There is funding in the House bill in the amount of $3.65 million to carry forward the work on the Bowman Gray Center. The Senate bill had no appropriation in it.

I do not know what the will of the Senate is going to be, but the amendment brings this to our attention. It asks for about $13 million for the project. To be honest about it, the offset is a little hard to accept, and I probably cannot recommend to the Senate that it agree to the amendment in its present form.

It takes money from the ASCS salaries and expenses account and those moneys are needed. As a matter of fact, we need more money in that account to handle the workload and the demands on that agency at this time. I would hate to see that account used as a way to provide funds for this project in North Carolina.

I hope that the proponents of the amendment will let us have some flexibility and, in conference with the House, try to work out a funding level that would represent the amount of money that could reasonably be expected to be used efficiently in the next fiscal year for this project.

I understand there was funding for the project last year, and it is surely one of those projects that will be supported in the years ahead. I am not prepared to recommend we agree to the amendment in its present form. I wanted to let the proponents of the amendment know what I thought about it and urge that we look for a way to have more flexibility than the amendment permits us at this time.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I think the distinguished Senator from Mississippi stated the case very well. This is a project of considerable value to the Bowman Gray Hospital, to Wake Forest University, and to the people of that region; but of even greater importance, it is a significant kind of research that now is needed in a greater degree across the Nation.

In order to keep a fair amount of funding in there, we wanted about $15 million. The House put into the budget $3½ million. We wanted to have an opportunity to have some figure in there with which we could bargain in conference. It does not have to be $12.5 million, though that seems to be a reasonable figure.

If I may call to the attention of the Senator from Mississippi, the reason we chose the Agricultural Stabilization and Conservation Service is because of a GAO report that has just come out that says that the administrative cost approach exceeds the value of the benefits provided.

This kind of recommendation would have saved $90 million in administrative costs in fiscal year 1989, on the proposition that this was a good place to get the money. Obviously, where we get it is not as important as what we spend it for.

We are flexible on that, as is, I am sure, my colleagues from North Carolina, and I are flexible on the amount, if the leadership would accept a smaller amount.

Mr. HELMS. Mr. President, I am proud to be a cosponsor of this amendment, and I am sure my colleagues will recognize the important research that will be established at the Bowman Gray School of Medicine of Wake Forest University. The Center for Research on Human Nutrition and Chronic Disease Prevention will help us learn more about the link between nutrition and health.

For the past 2 years, I have worked to give the Bowman Gray Nutrition Center a toehold in the appropriations process and to gain support for the project at the U.S. Department of Agriculture. While the Senate has failed to

see the value of this project, the House has fortunately seen fit to fund this important project. And some of the perceived problems have been resolved with the Department of Agriculture.

The diseases associated with nutrition and diet are one of the leading causes of illness and death in this country and around the world. In fact, three of the four leading killers—heart disease, stroke, and cancer—are caused at least in part by what we eat. I think it is obvious that there is a need to aggressively explore the prevention of chronic disease.

There are currently five human nutrition centers sponsored by the USDA. However, none of these centers focus on the role of nutrition in the cause and, more importantly, the prevention of chronic disease.

Finally, I think it is important to point out that such research could very well lead to the development of new food products that could benefit everyone. The research will help transfer knowledge about nutrition and diet to food production. New products resulting for this research could enhance our farm economy lead to quality exports that will improve our balance of trade.

Mr. President, I will say again to my colleagues that the research done at the Bowman Gray Nutrition Center will be unique to USDA nutrition centers, and I urge them to support this amendment.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. SANFORD. No, I yield.

The PRESIDING OFFICER. The manager of the bill.

Mr. BURDICK. Mr. President, I cannot support taking salaries and expense money from the Agricultural Stabilization and Conservation Service for this construction project. The bill does not contain sufficient funds to meet the President's request for ASCS. It is already short by $50 million. To reduce this appropriation even further is just not supportable.

To provide $12,500,000 would provide more than twice as much as was allowed for any other facility in this account. There just was not sufficient funds to provide the amount requested by the Senators. If the Senators could allow the bill to go forward at this time without this amendment, I will do my best in the conference committee to provide additional funds for the Bowman Gray Center at Wake Forest as the Senators request. But I would hope that they would not press this amendment at this time because I cannot support the amendment as it is.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, I would like to inquire of the leadership, on my behalf and on behalf of my colleague from North Carolina, who I am sure in a moment will have something to say about it, whether or not, given the importance of this project to us and I think to the Nation, would they be agreeable if we withdrew this amendment, which pinpoints the source of the money, to doing their best in conference to move toward the House figure in order to keep this project from dying on the vine?

I make that inquiry.

Mr. COCHRAN. Mr. President, if the distinguished Senator will yield, I am prepared to recommend to the chairman and to work with him in conference in trying to resolve this issue so that there will be some funding provided in the final conference report for this project at Wake Forest. I cannot make a commitment as to the exact dollar amount. Obviously, the House has included the figure of $3.65 million. My experience has been and if we do have the additional allocation—which I understand will be available to us in conference—we will certainly be more likely to meet that figure or come close to it than we are at this time.

I know the distinguished Senator from North Carolina [Mr. HELMS], had requested funds for this project in previous years. We have been working with the Department of Agriculture to try to identify how much could reasonably be expected to be used each fiscal year. Frankly, I would say the figure that the House has is certainly closer to the figure that we got from the Department of Agriculture than the amount that was contained in the amendment that was proposed and that is pending before the Senate right now.

So, for my part, both Senators from North Carolina have my assurance that we will try to work out a reasonable compromise in conference and one with which they both will be happy.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. I thank the Chair. Mr. President, as Senator COCHRAN has stated, we have been working on this for some years now. We got some funding for the project a couple of years ago.

Let me say this about Senator COCHRAN. He has carried the ball on this project for us. I want him to know we are grateful. I, for one, favor withdrawing the amendment with the assurance that he has just given that they will work it out in conference somehow, and I think they can because there is strong support on the House side. We will talk with some of the conferees on this side. Senator SANFORD offered the amendment. I believe Senator BURDICK has indicated he will support.

Mr. BURDICK. Senator BURDICK supports his colleagues.

Mr. SANFORD. I thank the distinguished chairman and the distinguished ranking member. I think the House put in a figure, expecting us to have a figure, that would permit them to increase it. They put it in on the low side. So I hope the conferees will bear that in mind when they attempt to work out some solution to this.

Again, I thank them very much for their consideration.

Mr. President, I wish to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 927) was withdrawn.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, let me thank my friends from North Carolina, both distinguished Senators, for their cooperation with the committee and for the understanding of our situation with this bill at this time.

Mr. President, the only other amendment that is in order under the order is an amendment by the distinguished Senator from Wyoming [Mr. SIMPSON]. I know of no other amendments that can be offered under the order that was previously entered.

KANSAS STATE UNIVERSITY, MANHATTAN, KS

Mr. DOLE. Mr. President, it has come to my attention that during markup of the Agriculture appropriations bill, $285,000 of the funding provided for Kansas State University at Manhattan, KS, was allocated to the stored grain management project. Although we are appreciative of the committee's support for this project, we urge the conference committee to consider the following allocation: $125,000 for alfalfa research, $100,000 for canola research, and an additional $10,000 for wheat genetics research. I request this action on behalf of myself and Senator KASSEBAUM. I understand both the chairman and the ranking member of the Agriculture Appropriations Subcommittee have agreed to this request.

Mrs. KASSEBAUM. Mr. President, I wish to join Senator DOLE in support of this change. Research for stored grain management has been an ongoing project at Kansas State University for several years. I agree with the dean of agriculture at KSU that emphasis should be shifted to new areas. Alfalfa research in the Midwest is limited to Kansas in spite of the prominence this crop has throughout several Midwestern States. Although research currently being conducted has contributed significantly in recent years to the development of new varieties, there is still room for improvement.

In addition to alfalfa, producers in the Midwest realize the need for alter-

native crops. Canola appears to have a great deal of potential. Additional resources are needed to answer the many questions farmers still have this crop. Finally, Mr. President, KSU has been a leader in the area of wheat genetics research. Our proposal would provide additional moneys for this project. I join my colleague from Kansas in requesting this money be transferred from stored grain management to the areas we have outlined.

Mr. DOLE. In addition, I wish to request that the conference committee consider setting aside up to $50,000 for a feasibility study of an agriculture research and emissions facility to develop and test fuel formulations using ethanol blends at Pittsburg State University at Pittsburg, KS, in cooperation with Kansas State University. This program is one that could have important implications for America's farmers, the environment and for national energy security.

As my colleagues know, last year's Clean Air Act required major changes in gasoline composition and in emissions. As a result, agriculturally based oxygenated fuels will play a significant role in cleaning up our environment. A tremendous side benefit of these fuels will be the enormous impact they will have on farm income, and the positive role they will play in ensuring America's domestic energy security.

Putting these much-needed fuels into use requires laboratory testing and research. This project would establish a state-of-the-art facility to conduct the emissions testing needed to produce these blends. Mr. President, there is a real need for this facility to be established. While there is currently a significant amount of emission testing, it is primarily focused on methanol blends. I understand there are only three EPA-approved emission labs that are able to conduct tests at the required Federal specifications. Likewise, there is only one lab that is equipped to conduct tests at lower temperatures.

Mr. President, I am hopeful that the conference will find a place for this facility. The benefits that we as a nation will achieve from this modest investment will repay us many times over. Agriculturally derived motor fuels are worth the effort.

Mr. COCHRAN. Mr. President, I certainly have no problem with the request of the Senators from Kansas. I understand they have contacted Kansas State University and Pittsburg State University and everyone seems to be in agreement.

Mr. BURDICK. Mr. President, I also have no problem with this request.

FLORIDA CITRUS CANKER ERADICATION PROGRAM

Mr. GRAHAM. Mr. President, I wonder if I may engage the chairman of the Agriculture Appropriations Subcommittee in a brief colloquy. Mr. Chairman, I wish to discuss the issue of Federal obligation to the citrus growers and nurserymen of Florida who participated in the joint Federal-State Canker Eradication Program from 1984 to 1986.

Mr. BURDICK. I am aware of the program. The State of Florida was placed under a strict quarantine and the U.S. Department of Agriculture declared a state of emergency. Federal funds were made available for the destruction of citrus trees potentially infected with citrus canker. Some payments were also made to citrus tree owners for replacement cost of the destroyed trees. All costs of the program were shared equally by the State and the Federal Government.

Mr. GRAHAM. That is true, Mr. President. However, the Florida Supreme Court has ruled that the actions taken under the eradication program were a taking and that market-value compensation must be paid to the growers. The State has since had to make available some $75 million to the growers seeking additional compensation.

Mr. BURDICK. Has the Federal Government determined whether it must help meet the payments under this compensation plan?

Mr. GRAHAM. To date, the Florida congressional delegation, the Governor, the State attorney general, and other State officials have written the USDA and met with the Secretary on this question. We have yet to have a final answer from the Department. I bring this to the Senate's attention because we had hoped to know whether legislative action would be required by the time the Senate began considering appropriations bills. Should this problem remain unresolved into the next year, I hope the chairman will discuss with me the legislative options available to help the State meet its obligations under the original joint eradication program.

Mr. BURDICK. I would be pleased to discuss with the Senator possible funding solutions. However, I think that primary responsibility lies with the Department of Agriculture to respond to Congress' and the State's inquiries.

Mr. GRAHAM. Mr. President, I agree with the Senator and hope that our discussion will provide the USDA with new impetus to respond to this serious question of fair compensation.

THE WIC PROGRAM

Mr. LEVIN. Mr. President, I would like to engage the chairman of the Committee on Agriculture in a colloquy regarding the consistency in what the Department of Agriculture recommends with respect to its nutrition policy and dietary recommendations and how the Department actually administers the WIC Program. I am pursuing this subject at this time because it is addressed in the Senate Appropriations Committee report to accompany H.R. 2698.

The WIC Program has been one of the most successful and cost-effective programs administered by the Federal Government. It provides for the distribution of specific groups of foods to program participants. Regulations prescribing requirements for providing the supplemental foods to participants ensure that local agencies make available at least one food from each group in several specific food packages. Food packages for children include milk, eggs, cereals, fruit juice, and vegetables.

One of the most essential elements in a balanced nutritious diet is fruit, and this statement is well documented by the Federal Government. For instance, the Dietary Guidelines Advisory Committee, established jointly by the U.S. Departments of Agriculture [USDA] and Health and Human Services [HHS] recommends that "adults eat daily at least * * * two servings of fruits" and that children should be encouraged to develop a similar practice. Similarly, the Surgeon General's "Report on Nutrition and Health" recommends that among other foods, such as vegetables, whole grain products and cereals, people should "emphasize intake of fruits."

Still another Federal Government document entitled "Dietary Guidelines for Americans" recommends choosing a diet with plenty of vegetables, fruits, and grain products and suggests that adults and children should eat "two servings of fruit daily." Local WIC offices distribute literature encouraging WIC participants to eat fruits, such as raisins, as snacks, and USDA Program Aid No. 1385, which specifically advises that we should "at breakfast use fruit in cereal."

USDA regulations limit the amount of sugar included in cereals, including sugar naturally found in fruit, which effectively discourages or prohibits the distribution in the WIC Program of nutritious cereals containing fruit. These regulations provide that each local agency that provides supplemental foods to program participants make available to each participant cereal which meets specific nutritional standards.

However, because of the way in which these regulations are worded, cereal which—except for its fruit content—meets all other nutritional standards is excluded from the list of eligible cereals. For instance, bran flakes would qualify for the program, but when raisins are added to this product and it becomes raisin bran, the cereal becomes ineligible.

Mr. President, USDA's current policy with respect to the WIC food package is not consistent with the recommendations of USDA, other Govenrment agencies, and nutrition experts. In other words, I am concerned that the

USDA is not practicing what it preaches.

I am aware that the WIC food package is presently under review and that during the course of the review the issue I have raised may be considered, but that fact does not alleviate my concerns. USDA is considering the WIC package contents now and is supposed to report back to Congress by June 1992. I am concerned that the fruit in cereal issue may not be resolved in a timely manner unless Congress directs the USDA to do so.

I would like to ask my colleague from Vermont, in his capacity as chairman of the committee of jurisdiction over the WIC Program, to consider ways in which we could achieve a more prompt resolution of this problem. I do believe that it is our responsibility as legislators to ensure that the dietary recommendations of the USDA are applied where appropriate to feeding programs administered by the Department and that we should urge the Department to set an example for all Americans by practicing what it preaches.

Mr. President, it should be clear now to the Senate that the USDA needs to carefully examine its policy regarding the use of fruit in cereals. The policy denies WIC participants the opportunity to have a helping of fruit with the cereals purchased through the WIC Food Program.

If the Senator from Vermont agrees, I would ask him whether this is not an issue that his committee could examine and help resolve in a timely fashion?

Mr. LEAHY. The Senator from Michigan makes several good points with respect to the treatment of fruit in cereal under the WIC regulations. The WIC food package is and must continue to be based on sound input from pediatricians, nutritionists, and other scientists and is specifically designed for pregnant women, infants, and young children.

I will contact the Department and ask for a speedy consideration of the issues you have raised and a report back by the end of this year to my committee providing the Department's detailed response and an indication of what steps the Department will take to address your concerns regarding USDA's policy.

Mr. LEVIN. Mr. President, I would like to thank the Senator for his help on this. Also, I would like to ask unanimous consent that an editorial on this subject from today's Washington Post be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAISIN WAR

The Federal government thinks that children should eat less sugar and more fruit, which is fine—except when it's contradictory. The fruit that the government likes can be a major source of the sugar that it doesn't. The contradiction arises with particular force inside a box of Kellogg's Raisin Bran. Can you believe that it may now arise within the U.S. Senate as well?

It seems that, were it not for the sugar from the raisins, this product of the Kellogg Co. would be eligible to be bought by needy families under the sugar standard of the government's WIC program, a stern 6 grams per serving and no more. Counting the raisins and the rest of the sugar in the box, however, it's not eligible. That's true even though the same Agriculture Department that maintains the WIC regulations can be found in other contexts urging Americans not merely to eat more fruit, but to put in on their cereal.

Kellogg cares, and not just for love of consistency in the Code of Federal Regulations. The WIC feeding program for needy pregnant women, infants and children is itself a pretty big bowl of breakfast. It helps to feed nearly 5 million people including a third of the nation's newborns at a cost of about $2.4 billion a year. Of that, an estimated $150 million goes for cereal, and about two-thirds of the cereal money, Kellogg says, is spent on Cheerios, which meet the WIC sugar and other nutrition standards and are made by Kellogg competitor General Mills. WIC really stands for women, infants and Cheerios, the Kellogg people like to joke, not sweetly.

Kellogg, based in Michigan, is urging that state's Sen. Carl Levin offer an amendment to the agriculture appropriation bill somehow relaxing the sugar rule so that the raisins won't count. Other senators including minority leader Bob Dole have warned they will resist a step they call a threat to the program's "integrity." They cite a letter from the American Academy of Pediatrics and other protective groups urging that the question of what can and cannot be bought with the money not be politicized and noting that the department is already in the midst of a regular reexamination of the rules.

If the government is going to cross the threshold of setting nutritional standards at all—as perhaps it had to, at least in the particular kind of program WIC is—we suppose it was bound to come to this. You make the rules, and the next thing you know poor kids can't have Raisin Bran, which other kids are eating without ill effect, because to allow Raisin Bran is to open the floodgates to government subsidized Snickers bars for poor and nutritionally deprived families. It is government at its most famously elephantine. Of this much only we are certain: The Senate floor is the wrong place to write the rules. But the Agriculture Department, if it is to have a free hand, should at a minimum keep the free hand light. Surely it's possible to have rules that square with the WIC program's raisin d'etre and still let in a scoop of raisins.

Mr. EXON. Mr. President, this morning's Washington Post included an editorial regarding the WIC Program that I commend to my Senate colleagues. That editorial points to the folly of regulations that preclude certain healthy food items, namely Raisin Bran, from the WIC Program.

At best, it seems contradictory for the USDA to be promoting healthy foods with one hand and limiting their availability to WIC participants with the other. It may well be that this important nutrition program deserves some critical scrutiny to ensure that there is a level playing field with regard to which products are available to WIC participants.

Quite frankly, I would hope and expect that these kinds of dietary squabbles could be worked out expeditiously by scientists, not Senators. I strongly encourage the USDA to work toward that goal.

I ask that the editorial be printed in the RECORD.

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If the government is going to cross the threshold of setting nutritional standards at all—as perhaps it had to, at least in the particular kind of program WIC is—we suppose it was bound to come to this. You make the rules, and the next thing you know poor kids can't have Raisin Bran, which other kids are eating without ill effect, because to allow Raisin Bran is to open the floodgates to government subsidized Snickers bars for poor and nutritionally deprived families. It is government at its most famously elephantine. Of this much only we are certain: The Senate floor is the wrong place to write the rules. But the Agriculture Department, if it is to have a free hand, should at a minimum keep the free hand light. Surely it's

possible to have rules that square with the WIC program's raisin d'etre and still let in a scoop of raisins.

WIC APPROPRIATIONS

Mr. DECONCINI. Mr. President, I rise to commend my friends and colleagues, the distinguished chairman from North Dakota, Senator BURDICK, and the ranking member from Mississippi, Senator COCHRAN, for including $2.573 billion, the level requested by President Bush, for WIC in the fiscal year 1992 agriculture appropriations bill.

Mr. President, there has been a remarkable bipartisan effort this year to increase WIC to provide WIC's critical nutrition and health benefits to more eligible low-income pregnant women, infants, and children:

First, President Bush requested an increase of approximately $223 million over the current level of $2.35 billion, enough to remove over 200,000 low-income pregnant and breast-feeding women and their children from the waiting lists nationwide.

In addition, a panel of highly distinguished corporate executives testified before the House Budget Committee earlier this year in support of a substantial increase in WIC funding for fiscal year 1992. The CEO's stated that:

> The health, well-being, and education of children in the United States are pivotal to keeping the United States competitive in an increasingly international economy. * * * We're convinced that WIC can make an important contribution to ensuring that the Nation's education objectives are met, and that in turn, we have the productive work force we need.

The CEO's recommended that WIC be funded at $2.7 billion in fiscal year 1992 as a first step in a 5-year investment plan to reach all eligible low-income women, infants, and children.

In June, more Senators than ever before, 88 in total, signed the annual DeConcini-Chafee WIC appropriations letter urging a record increase of $250 million over the prior year's current services level. The fiscal year 1992 DeConcini-Chafee WIC letter requested $2.7 billion, the amount estimated earlier this year by the Congressional Budget Office to remain on track to attain WIC full funding by 1995.

And more recently, the bipartisan National Commission on Children's report says that:

> WIC should be expanded to serve all financially needy pregnant and nursing women, infants and children at nutritional risk. To do so will require increased annual funding of approximately $1 billion.

Mr. President, the WIC Program continues to build an impressive track record. A USDA study issued last October demonstrates that WIC reduces Medicaid costs: Each dollar invested in WIC's prenatal component saved between $1.77 and $3.13 in Medicaid costs. In addition, a recent National Bureau of Economic Research study suggests that WIC also produces long-term savings in special education costs. The Bureau's research also found WIC to be one of the two most cost-effective methods of reducing infant mortality.

Clearly the Agriculture Subcommittee's tight allocation made it very difficult to provide any increase beyond the President's request for WIC. Fortunately, however, a recent event indicates the conference committee on this bill may be able to provide a little more than the President, and quite possibly enough for the full $2.6 billion included in the House. Last week's announcement by the chairmen of the Senate and House Committees on Appropriations, Senator BYRD and Representative WHITTEN, that they have tentatively reached an agreement on the reallocation of $232 million in budget authority and $312 million in budget outlays for the Agriculture bill in conference is very good news.

Mr. President, while the reallocations are not final, I would urge the chairman and the subcommittee to accept the House level of $2.6 billion for WIC in conference—a mere $27 million over the Senate level, yet it would help to serve more eligible needy women and children.

Mr. CHAFEE. Mr. President, I would like to join my friend from Arizona in expressing appreciation to the chairman and ranking member of the subcommittee for allocating $2.573 billion to the WIC program for fiscal year 1992.

WIC has long enjoyed considerable support in Congress, and for good reason: It pays off handsomely in terms of children's well-being, and that in turn results not only in savings in education and health costs, but in a healthy and productive generation of children who will make up tomorrow's work force.

As my colleague has pointed out, this year there has been a particularly strong convergence of support for WIC: The corporate sector, children's and health organizations, and independent study commissions have pressed for increased WIC funding. Both the President and the Congress urged substantially increased funding for WIC—in fact, 86 of our colleagues joined Senator DECONCINI and myself in requesting a full $2.7 billion for WIC. This remarkable support comes from the fact that we all recognize that being pro-WIC is being both pro-children and pro-business; and that is pro-America.

As we all know, the budget agreement of last year placed severe restraints on everyone. It appears, however, that some Appropriations subcommittee allocations may be revised later during the House and Senate conference. If this should occur, and the allocation for the Agriculture subcommittee be increased, I would join my friend from Arizona in requesting that the Senate conferees accept the higher appropriations for WIC in the House measure. While it may appear small, that additional $27 million could provide foods for tens of thousands of additional low-income mothers and children.

Mr. BURDICK. Mr. President, I would also like to confirm my strong support for the WIC Program for my friends and colleagues, Senator DECONCINI and Senator CHAFEE. In fact, I have every intention of doing whatever I can in conference to come up with the $27 million needed to match the House level of $2.6 billion for WIC. Yet, I would remind my colleagues that there are other high priority items in this bill which must be given consideration should this reallocation occur.

In particular, I believe that the Food and Drug Administration also needs a significant increase in funding above the level the subcommittee was able to provide. It is my belief that the President's request for the FDA was inadequate to meet the current demands upon it for testing of promising new and innovative drugs to deal with the AIDS crisis and so many other catastrophic illnesses plaguing millions of Americans. However, in the event the reallocation which Senator DECONCINI outlined earlier does occur, I believe that the conferees should also do all that we can to provide for a significant increase in funding for the FDA as well as the $27 million increase necessary to bring the funding level for WIC up to the House level of $2.6 billion.

Mr. DECONCINI. Mr. President, again let me express my appreciation to the chairman and to Senator COCHRAN for the increase they have provided for WIC in this bill. Let me clarify that my colleague from Rhode Island and I are in no way criticizing the subcommittee, but simply urging them to accept the House level for WIC in conference if the final allocation is greater than the Senate subcommittee's allocation.

FEDERAL NORTH CENTRAL SOIL AND WATER RESEARCH STATION AND THE WOLF CONTROL PROGRAM

Mr. WELLSTONE. Mr. President, I rise to engage in a brief colloquy with my colleague, Chairman BURDICK of the Agriculture, Rural Development and Related Agencies Subcommittee of the Appropriations Committee.

I would like to hear the chairman's views on two funding requests which the subcommittee was unable to grant in this Agriculture appropriations bill. The first of these is the Federal North Central Soil and Water Research Station at Morris, MN. The second is the wolf control program operated in Minnesota by USDA's Animal and Plant Health Inspection Service.

I understand the difficulty in trying to fund the many agricultural programs and projects which have merit, particularly operated under the budgetary constraints which the chairman's committee faced this year. I appreciate the chairman's efforts in balancing the priorities judiciously through this process.

I would appreciate the chairman's assurance that the important project and

program I mentioned above, both of which were funded in the House Agriculture appropriations bill, were not rejected by the committee as lacking in merit. I hope, in fact, that the Senator would support funding for these requests in the coming conference committee.

As the Senator knows from our communication prior to this bill's markup, the Morris Research Station is a successful facility which needs additional lab and office space, as well as a larger library, to accommodate the growth of important work in the area of water quality and low-input/sustainable agriculture. The wolf control program, despite its impressive success so far, has been chronically underfunded. The welcome robust recovery of the eastern timber wolf in Minnesota has led to a greater need for control efforts, which minimize damage to livestock.

The House, with its larger allocation for agriculture, was able to fund the Morris Research Station at $1.35 million for 1992, and the wolf control program at $250,000. When the programs are considered by the committee in conference, would the chairman be willing to support their funding?

Mr. BURDICK. I thank my colleague from Minnesota for the opportunity to note the difficulty our committee had in selecting projects and programs for funding this year. There were, indeed, hard choices between many deserving funding requests.

I note his concern regarding the Morris Research Station and Minnesota's wolf control program. I can assure the Senator that I will seriously consider his request to reexamine those projects. Our committee did not reject them as unworthy, and, should there be sufficient funds available, I may be able to support their inclusion.

Mr. WELLSTONE. I appreciate the Senator's attention to this matter.

AGRICULTURE, RURAL DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS BILL

Mr. GORTON. Mr. President, it appears that the Senate today will pass the Agriculture, Rural Development and Related Agencies Appropriations Act for fiscal year 1992. I would like to take this opportunity to congratulate the chairman and ranking member of the Agriculture Appropriations Subcommittee for producing yet another fine bill, and thank them for their attention to projects that are important to Washington State.

I am particularly pleased that the fiscal year 1992 bill includes $5 million for completion of the new ARS fruit and vegetable laboratory in Yakima. The new lab will replace an old facility that has been overtaken by residential and commercial growth, and will be constructed on land purchased by the State tree fruit industry. This lab will facilitate research important to the entire Nation's fruit and vegetable industry.

The bill also contains $2 million for the ARS Northwest Small Fruit Research Center. Research at the center will focus on plant genetics and breeding, crop production and pest management, processing and packaging technology, and marketing. The center will be a significant regional resource for the berry and grape industries of Washington, Oregon, and Idaho.

The amount of $1.2 million is designated for construction of the Animal Disease Biotechnology Center. The center will link the veterinary teaching hospital under construction at Washington State University with the Veterinary Sciences Building which houses the Department of Microbiology and Pathology, the Washington Animal Diseases Diagnostic Laboratory, and the USDA-ARS Animal Research Unit. This facility is needed to sustain and expand research, extension and training programs designed to resolve dangerous and costly disease problems in farm animals.

I am pleased that the Senate has chosen to continue funding for agriculture and forestry trade research at the University of Washington and Washington State University. The CINTRAFOR and IMPACT Programs at these institutions have done important work on foreign market development and trade constraints, and have contributed significantly to the expansion of U.S. agricultural exports.

Fresh and dry peas and lentils are one of the Nation's strongest export products, and are an important source of protein for much of the world. These crops will benefit from the $400,000 included in the fiscal year 1992 bill for the Cool Season Food Legume Program. This appropriation will fund genetic, management, nutrition and technology transfer research that will benefit pea and lentil farmers in Washington.

For all crops, research on pesticides and other agricultural chemicals is necessary to ensure a safe and abundant food supply. The fiscal year 1992 bill includes funding for these efforts in a variety of areas, including $3 million for Interregional Research Project No. 4, a program that will support research to reregister pest control agents for minor crop uses. Washington State produces more than $1 billion in minor crops each year, and many of the chemicals IR-4 has identified for reregistration are priorities for Washington State.

The bill also includes $850,000 to complete equipment purchases and the hiring of staff for the Tri-Cities Food and Environmental Quality Lab. Research in the lab will explore the fate of pesticides on crops and in the environment, and will contribute to the IR-4 minor crop chemical reregistration program.

Other important projects funded in the bill include regional barley gene mapping, Russian wheat aphid, TCK smut, acquaculture and potato research.

Outside of the research arena, the Appropriations Committee agreed to adopt my amendment to expand the definition of eligible housing under the Farmers Home Administration's section 502 Guaranteed Home Loan Program. Currently, many residents of genuinely rural communities are precluded from participating in the guarantee program. At the same time, these people are eligible for the Farmers Home Direct Loan Program, a situation which defies common sense. I hope this provision will be agreed to in conference.

Finally, I would like to compliment the chairman and ranking member of the subcommittee for their continued support of the Market Promotion Program [MPP] and other export promotion programs. I am concerned, however, about a provision in the bill which defers until September 30, 1992, $70 million of the $200 million made available for MPP. I hope the effects of this provision on the program's operation will be closely studied in conference.

Mr. President, I would like to thank again the chairman and ranking member of the Agriculture Subcommittee for considering the requests I made on behalf of farmers in my State. This is a good bill, and will benefit each and every one of us who enjoy the world's cheapest, safest, and most abundant food supply.

WIC FUNDING LEVELS

Mr. MURKOWSKI. Mr. President, earlier this year, I joined with several of my colleagues in requesting a significant increase in funding for the Women, Infants, and Children Food Program [WIC]. I am pleased to see that the Appropriations Committee has reponded to this request.

The measure before us today contains a funding level for WIC of $2.57 billion, an increase of 9.5 percent—$223 million—over the fiscal year 1991 level. WIC is one of the most successful domestic programs in existene, and has a proven track record of aiding underpriviledged children in their developmental years.

In Alaska alone, over 9,000 people a year receive WIC benefits. This program is also very cost effective. A U.S. Department of Agriculture study issued last fall found that each dollar invested in the WIC prenatal component saved between $1.77 and $3.13 in Medicaid costs.

I urge my colleagues who will participate in the conference on the Agriculture bill to give the WIC Program the priority it deserves.

Mr. SASSER. Mr. President, several of my colleagues, including Senators LEVIN, LEAHY, and EXON have commented on the need to maintain a strong WIC Program that provides a

wide variety of healthy and nutritious foods to its participants. As evidenced by today's Washington Post editorial on the subject, the U.S. Department of Agriculture should take expeditious and fairhanded action to recast outmoded regulations that preclude certain food items such as raisin bran from being offered in the program.

I understand that the Department of Agriculture is acutely aware of the need to reexamine regulations in this area, and I would hope that the USDA would move to resolve conflict with regard to this matter before the end of this year.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

AMENDMENT NO. 928

(Purpose: To restore the Omnibus Budget Reconciliation Act of 1990 funding recommendations and authorize the Rural Electrification Administration (REA) to develop and implement eligibility criteria for loan applications)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 928.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 61, line 10, strike "$622,050,000" and insert "$504,235,000".

On page 61, line 12, strike "$239,250,000" and insert "$193,765,000".

On page 62, lines 1 through 4, strike ": *Provided further,*" and all that follows through "loan advances".

On page 62, line 10, strike "$157,609,000" and insert "$127,866,000".

On page 62, line 11, after "$14,152,000,", insert the following: "and cost of the other loan guarantees, $105,000".

Mr. SIMPSON. Mr. President, this is a contentious matter that I present here, but I am introducing this amendment, and at the same time my staff and the staff of Senator LEAHY are involved in discussions regarding this matter.

This is an issue of funding of the Rural Electrification Administration, the REA, as outlined under the Omnibus Reconciliation Act of 1990. It has to do with the retaining of the REA's ability to develop and implement eligibility requirements for rural electric borrowers and reinstate funding for REA's newly mandated 90-percent guarantee loan program.

I have no desire to injure the REA. But since the establishment of REA in 1935, practically every single village, small town, and farm in rural America has received reliable and affordable electric service. That was the original purpose of the REA. That REA-financed system currently operates in 46 States and Puerto Rico and finances loans to both electric and telephone companies serving rural America. It is extraordinary what is happening with loans to the telephone companies.

These rural electric co-ops can receive direct loans with interest rates of 5 percent or private loans guaranteed by the Government for 100 percent of their value. Those guarantees are quite attractive safety mechanisms because the borrower will receive 100 percent of the money he has been loaned should the private lender fail.

I do not think there is a person in this body who, if we were told there are areas in America that do not have electric utility power, and still do not have phone service, after we have spent so much in Congress on REA funding, would not say: Put it in and send us the bill. But what is happening with REA is absurd.

Let me tell you, that is an extraordinary agency. Those special interests that boost it along are extraordinary in every sense and tougher than a boiled owl.

Rural telephone companies may borrow from the rural telephone bank, and when that fund is used up, then the rural telephone companies become eligible to receive cheaper direct loans. Rural telephone companies are also entitled to receive loan guarantees, although most choose not to take them.

Both rural electric and telephone companies use some of the most remarkable schemes in order to secure the largest loan possible at the cheapest possible rate, regardless of how financially wealthy they are. I cannot lay all the blame at the foot of the REA. We did it. We gave the authority for the REA to approve the loan to any electric or telephone borrower that is eligible to receive one. The rules governing the system need to be restructured if integrity is to be restored to the REA.

I think there is a good way to begin that debate, and we can talk about restructuring. I hope to work with Senator LEAHY to see about ways we might do that. He made no commitment to me, other than to say that we both agree, that the money should go to the ones that most need it. You do not want to give the money to some of the biggest, heavy-hitter corporations in America who do not need it, but have learned to dwell around the well here in order to get it.

For example, in fiscal year 1990, Congress set aside $622 million in appropriations for rural electric loans. One hundred sixty-three loans were approved out of the 218 that were requested. The largest loan approved was for $42 million. That is 8 percent of the whole pie. The average loan request of a borrower was $2.19 million. But there still was not enough money to serve everyone, because there was no way to determine who needed the money the most—no way at all.

I think those statistics suggest one very ugly scenario. Some of the big, rich companies ask for big loans, and they get them—at the expense of the small cooperative. That is not what we originally had in mind. The real problem here is not that we do not have enough money, it is that we are lending the money we do have to the wrong people. As long as they are eligible, electric co-op's loan applications are approved.

The real problem is that eligibility requirements do not now take into account the factors that determine real financial need. Government loans are being given to companies that have the balance sheets to be approved in almost every single bank in America. But these are the folks that ask for the big bucks. There is now a 3-year backlog of loans the agency is unable to approve because of these factors. Some critics believe it is the agency's fault, and I have said that. But it is truly our fault because we make the determination about what is appropriated to the REA, and what is the loan eligibility criteria.

There is no ceiling on how much a cooperative can request. Congress enacted a provision which states that the REA may not turn any eligible borrower away. Hear that! We did that, with the help of the unique power of the special REA lobbying groups, and they are plenty strong in America, in almost every district in America.

The law mandated by the Congress and not the administration has contributed to the backlog of loans. Then what happens is the telephone cooperatives manipulate the system by holding off their loan requests until the last possible minute. They use this strategy to receive the cheapest possible loans, because by law, the rural telephone borrowers must first use up the money in the rural telephone bank before they can dip into the direct loan pot.

So most all of the telephone borrowers wait until the last moment, hoping to be late. Then the small amount of money in the rural telephone bank, which is loaned at the Treasury rate now set a about 8.5 percent, is used up. Then they can get the 5-percent loan instead. I think that is pretty clever. Some people call that the "American way."

Let me give you a few examples of a system gone awry: Guadalupe Tele-

phone Cooperative of New Braunfels, TX, had an $18 million cache of Government funds apparently burning a hole in their pocket, and approached the REA last fall inquiring whether or not it was ethical and appropriate for this telephone cooperative to take over a failed savings and loan institution with a price tag of $210 million. According to the Wall Street Journal, Guadalupe's personable president told them, "I think it is a good time to get involved."

Another example is shown by looking at how appropriations were spent during fiscal year 1990. The REA approved 71 telephone loan requests out of the 78 received. Seven loan requests totaling $18 million were not approved because the REA ran out of appropriated funds.

Congress allocated $415 million to be loaned to rural telephone borrowers around the country last year, and that is a lot of money. But it was not enough to satisfy all the borrowers because the loan requests were exorbitantly high.

The average loan request approved by the REA was for about $5.8 million, and that is not small potatoes. And the largest approved was $53.6 million. That loan represents 12 percent of the entire pie.

Seven requests for rural telephone loans were denied because the funding was not available. Those seven loan requests totaled $18 million. On average, those loans represent a request for $2.5 million by each borrower.

So rather than financing the truly needy, which I think is what every one of us in Congress wants to do, over 70 percent of the telephone borrowers are commercial companies. And with revenues of $3.1 billion in 1989, these commercial participants in the REA program have a combined net income of almost $560 million, and over $214 million of that net income was paid as stockholder dividends.

That is not what Congress had in mind.

Congress and the REA should only be serving the truly needy under this program. As I have said before, the purpose of the REA was to electrify America, and that has been completed. And now we are just electrifying the taxpayers; and they have been doing that for some time. And we find ourselves being arm-twisted by some of the most crafty and innovative financiers and accountants and lawyers and trade associations to preserve the massive infusions of Federal money into this very flourishing system.

I met with the technicians at the REA years ago. I must say, it was incomprehensible to me as to what it is that they figured out. There is not a single question they can answer, in a way which leaves you scratching your head and staring off into space. They are very good at it. They have become very adept over the years, and they are tough, and they are strong.

The truth is that many of the fine people that represent them in their local communities are fiscally conservative, salt-of-the-Earth-type people who really do care about the Government's fiscal sanity, and they do care about the deficit, but they have a powerhouse of a lobbying organization that just takes them right on down the rocky road, triggering all sorts of creative financing to continue to tap the Federal Treasury.

I think Congress has—and I can take the blame, too—irresponsibly tried to micromanage the REA in the last 10 years, and has created a phalanx of complex financing schemes, only making it ever more difficult to get the REA moneys to those borrowers who need it most. And this year's appropriations bill is no exception to that chaos. It was very adeptly done.

I will not get into detail here on the issues of the Omnibus Reconciliation Act of 1990, [OBRA] and the formulas and the funds. The administration is working on that. But there has been extreme pressure from the National Rural Electric Cooperative Association.

The committee argues that the funds must be restored in order to ensure low electric and telephone rates to needy borrowers in rural, poverty-stricken areas. I have heard that one before, but is it a reasonable one to listen to? You show me one person in that condition, and I say: "String the line, and just send us the bill." It would save us 99 percent of the moneys we spend. String it up and just send us the bill. It would cost less.

We will be better by far to take that hit than the one we take with this dazzling array of accounting procedures, because to any objective observer, or even one who is not, it is clear that the big loans to the financially well-off borrowers swallow up most all of the appropriations. As long as there is no mechanism to determine who most deserves the loans, there is nothing to prevent the borrowers from raising their loan requests, and they do.

The committee then agreed on doing away with the administration-recommended 90-percent loan guarantee program, and struck language for an appropriation of $105,000 to administer that program. They must not have known that that $105,000 translates into over $250 million in low-risk loan guarantees, while at the same time weaning the rich co-ops from the Government trough. Some of them who can best be described as being rich. Encouraging banking activities with private institutions is what we should be doing.

So the amendment would give the REA the ability to develop and implement an eligibility test for electric borrowers. The REA already has a proposal which appeared in the Federal Register in February 1990. The proposed test illustrates a much-needed method where truly needy borrowers would get from 70 to 100 percent of loan requests, while at the same time showing that the rich borrowers have the ability to assume higher than 5-percent interest rates, surely.

So the amendment is for that purpose. It has to do with restructuring a Government program which needs it sorely. It is also fair to say that the REA itself, the Rural Electrification Administration, is not the completely evil presence here, although they can perform real "doozies" of accounting activities.

Congress must own up to its responsibility of keeping a close eye on the integrity of the Government programs. But they presented the package through their powerful interests, and we brought it here. Now I think it is time to restructure it and do something sensible with regard to getting the money where it should be, to those who are needy and require it, and not to some of the largest corporations in America.

I have several items to present to the RECORD and ask unanimous consent that those items be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, June 21, 1991]

REA LISTS RICH PHONE CONCERNS ASSISTED BY U.S.

(By Bruce Ingersoll)

WASHINGTON.—Administration officials identified for Congress more than 100 government-subsidized rural telephone systems that have built up large sums of cash or invested heavily in other ventures.

The list of well-heeled recipients of low-interest loans from the Rural Electrification Administration's telephone loan program was topped by Prairie Telephone Co., which has $6.8 million in cash in 1989—more than six times the total value of all its telephone equipment, buildings and lines in central Illinois. Prairie, a Rochester Telephone Corp. unit, has only one employee, a telephone lineman, and 858 customers, according to the REA.

The agency has been asked by Rep. Glenn English (D., Okla.) to identify REA borrowers that have accumulated "excessive" amounts of cash following a May 23 article in The Wall Street Journal that showed how Congress in 1985 forbid the REA from differentiating between rich and poor borrowers. As a result, borrowing by large telephone holding companies surged to $183 million last year from just $21 million in 1987.

At a hearing yesterday, Rep. English, chairman of the House Agriculture subcommittee on conservation, credit and rural development, declared a readiness to take "corrective action" if excessive funds aren't being used to reduce phone rates, repay loans, spur rural development or improve or expand phone service.

REA Administrator Gary Byrne, while declining to define the term "excessive," said the rural telephone industry as a whole has fared well in recent years while borrowing from the government, usually at a 5% annual interest rate. At the end of 1989, the REA roster of about 1,000 borrowers had a total of

$1.6 billion in cash on hand after paying $1.2 billion in dividends. That compares with cash reserves of only $800 million in 1984, he said.

The increase in capital would have been enough for the industry to finance all its construction costs out of its own pocket since 1984. Mr. Byrne told lawmakers.

A REA computer printout listed 109 phone companies and customer-owned cooperatives whose cash reserves and investments in other companies exceeded 50% of their total plant value, including switching equipment, poles and lines, in 1989. One Wisconsin borrower, ranked 109th, had a physical plant valued at $1,455,050, cash reserves of $729,886 and no investments in other companies.

Prairie Telephone led the 1989 list after selling its stake in a cellular telephone partnership for $6,791,000. In 1990, the company reported cash reserves of only $79,886, having paid $2,569,000 in taxes on the cellular sale and given its parent, Rochester Telephone, $4,981,000 to invest under a cash-management program, according to Dwight Zimmerman, president of Prairie and three other Rochester Telephone units based in Champaign, Ill. He said Prairie hasn't borrowed from the REA since 1970 and plans to install digital switches with its own funds.

Ranked No. 2 was Templeton Telephone Co., an even smaller system based in Templeton, Iowa. It accumulated $906,868 in cash—nearly triple the $314,014 value of its physical plant in 1989. None of the 109 wealthiest could match Norman County Telephone Co., Ada, Minn., for investment in other companies. In 1986, Norman—now known as Loretel Systems Inc.—bought a neighboring phone company and three years later valued its investment at $8,920,000—$234,000 more than the value of its own physical plant. In addition, Norman had $600,000 in cash.

At the hearing, Mr. Byrne said that the administration plans to ask Congress to remove the 1985 restriction against using so-called general-funds criteria in parceling out limited loan funds.

[From the Wall Street Journal, May 23, 1991]

OPEN LINE: FEDERAL SUBSIDIES FLOW TO RURAL PHONE FIRMS THAT HAVE LOTS OF CASH

(By Bruce Ingersoll)

Back in 1949, when two-thirds of the nation's farmers didn't even have a handcrank telephone on a party line, Congress gave the Rural Electrification Administration a new mission; Using subsidized loans, spread phone service into the thinly populated hinderlands where it didn't pay for big companies to go.

Dell Telephone Cooperative Inc., an REA borrower in remote West Texas, is still "struggling," its manager says, to keep 772 customers in 10,500 square miles of "cactus, rattlesnakes and scorpions" in touch with the Information Age. To hear June Barker, its assistant manager, tell it, though, she has a bigger challenge: how to invest the little co-op's mounting pile of cash—$5.8 million, at last report.

"I was trying to keep it local, but there weren't enough banks. Now I have two stockbrokers, good ones," she says. Result: While still paying off $13.9 million in REA loans at taxpayer-subsidized interest rates of 2% and 5%, Dell Telephone is ringing up big bucks on high-interest brokered deposits and mutual funds.

MANY FLUSH FIRMS

Scores of nonprofit co-ops and family-owned telephone companies in rural areas are similarly flush with cash. In addition to the subsidy program, they are benefiting from a modern system of pooling telephone-network access charges and long-distance toll revenues. Many are diversifying into lucrative sidelines, including cable-television and cellular-telephone franchises. One go-go cooperative even considered a plunge into Texas banking.

Lured by the riches, big telephone holding companies are swallowing up many of their plump little country cousins. In the past three years, they have taken over more than 50 phone companies—and happily take on their low-interest REA debts while going back for more. Last year, $183 million in REA telephone loans almost half the total, were captured by just five companies, including four listed on the New York Stock Exchange.

Telecommunications giant GTE Corp., for example, borrowed $42 million at 5% interest for its Micronesian subsidiary in the South Pacific—even though GTE wound up with $431 million in cash on hand after paying out $1.1 billion in 1990 dividends. The other big borrowers: Alltel Corp., Century Telephone Enterprises Inc., Telephone & Data Systems Inc. and Pacifi-Corp. Meantime, the two-employee Flat Rock Mutual Telephone Co. in Flat Rock, Ill., had to wait another year for its $428,400 loan, as did other small systems, because the REA ran out of 1990 funds.

MEANS TEST RESCINDED

For many years, the REA had what amounted to a means test, denying or limiting loans to companies and co-ops that had excessive "general funds." But in 1987, industry lobbyists prevailed on Congress to rescind the policy, forbidding the REA to differentiate between the rich and the poor. Result: Holding-company borrowing surged to last year's $183 million from just $21 million in 1987.

"It's first come, first served," says Robert Peters, the REA's top telephone lender. "If you're a company with unlimited resources, you normally can get your requests in a lot quicker than a Ma-and-Pa type operation." And REA Administrator Gary Byrne says the agency hasn't any choice: "By law, we can't treat a GTE subsidiary or an Alltel subsidiary any differently than a small rural cooperative out in northeastern Montana."

Bush administration officials decry the subsidization of big holding companies and other affluent borrowers as "distorting" the original phone mission of the REA, which was created in 1935 to bring electric power to the American outback. Some critics also say the electric subsidies are no longer needed, particularly in once-rural suburbanized areas. At the very least, administration officials argue, that REA money should be meted out on the basis of need, with most of it going to small fry in rural backwaters that can't obtain credit elsewhere. But efforts to reinstate the old phone policy have failed to win support in Congress.

A major reason, according to former Agriculture Department official Robert Richards: "No one was willing to go toe to toe with [Rep.] Glenn English." the Oklahoma Democrat, a power on the House Agriculture and Government Operations committees, has received thousands of dollars in campaign contributions from telephone political-action committees over the years. Rep. English argues that administration efforts to curtail lending to wealthy companies and co-ops is a subterfuge for gutting a program that it can't kill outright. He calls REA Administrator Byrne "a wolf in sheep's clothing."

Growing competition for credit, coupled with shrinking pots of loan dollars, is splitting the REA's 1,000 telephone borrowers into the have-a-lots and the have-nots. Most small borrowers favor banishing big holding companies from the loan program and subjecting cash-rich co-ops and independents to strict eligibility tests. "It wasn't the intent of Congress to help them make bales of money, and that's been forgotten by some people, including friends of mine," asserts Clifton Guffey, manager of Wilkes Telephone Membership Corp., a co-op in Millers Creek, N.C.

But the four rural telephone groups, despite differences in their members' interests, have closed ranks against the administration's assault on "profane profits" at many REA borrowers. John O'Neal, a National Rural Telecom Association lobbyist, accuses administration "bomb-throwers" of trying to conjure up "perceptions of abuse in a program that has an impeccable record," unmarred by a single loan default. Holding-company units, he adds, aren't getting "a disproportionate share" of the loans and shouldn't be discriminated against because of their parentage.

After four decades and $9 billion in direct and guaranteed loans, the communications landscape has changed drastically. All but a few deserts and mountain hollows have been hooked up to the realm of touchtone phones, fax machines and computer modems. Moreover, scores of rural companies and co-ops have grown and prospered as suburbs, resorts and retirement communities entered their areas.

Big Borrowers—Principal amount owed on Rural Electrification Administration loans by telephone holding companies, in millions[1]

Contel[2]	$211
Alltel	206
Telephone & data systems	199
PacifiCorp	88
C-Tec	87
Century telephone enterprise	69
Rochester telephone	45
Citizens utilities	42
GTE	40

[1] As of Jan. 31, 1991.
[2] Acquired by GTE in March.
Source: Rural Electrification Administration.

[From the Wall Street Journal, May 23, 1991]

OPEN LINE: SUBSIDIES FLOW TO RURAL PHONE FIRMS WITH AMPLE CASH; BIG COMPANIES OFTEN BENEFIT

But even low-density phone systems are thriving. Under industry pooling arrangements, systems with the fewest customers per line mile can tap the pools for the fattest revenue shares because they have the highest per-customer costs. A rich revenue stream doesn't deter them from tapping the REA till, though.

In West Texas, Dell Telephone borrowed $703,000 at 5% interest two years ago to bring radio-telephone service to an isolated reach of the Rio Grande Valley. One new customer: a 103-year-old woman rancher. At the time, Dell had a hoard of $5.6 million in cash—$7,200 per customer.

UNUSUAL FIGURES

How does Dell do it, serving a desert domain bigger than Vermont and charging residential customers only $19.40 a month for local service? "We get money out of the pools and use that to invest and keep struggling along," says Dale Flach, its manager. For every $1 in local-service revenue, Dell gets $22 in network-access and long-distance toll revenue. (Typically in the boondocks, it's $4 long-distance for every $1 local.) "They could give local service away free!" an REA official exclaims.

Nonetheless, Mr. Flach insists Dell isn't ready to be weaned from subsidized credit. "It's desolate out here. If I'm going to put in new service," he says, "I'm going to have to borrow more money from REA."

Other REA borrowers sound a similar theme. "We're grass-roots America," says Lyndell "Pete" Hurt, general manager of Craw-Kan Telephone Cooperative Inc., of Girard, Kan. "We operate in a depressed area [along the Missouri border]. We just want to get our fair share of the crumbs from Southwestern Bell and AT&T."

Some crumbs. After dickering with big carriers over access charges and toll revenues, the little co-op wound up 1990 with $14.2 million in cash and investments, including $7.4 million in banks and thrift institutions from New York to Butte, Mont., to Santa Barbara, Calif. "Those S&Ls have been paying good returns," exults Mr. Hurt.

TEXAS-SIZE AMBITIONS

Few REA borrowers can match Guadalupe Valley Telephone Cooperative Inc., which still owes the government $5.4 million, for entrepreneurial verve and grandiose ambition. It has flourished without raising its local rate of $7.25 a month in 18 years, as commuters from growing San Antonio moved into the goat pastures and live-oak groves in the central-Texas Hill Country.

Toll revenues have so enriched Guadalupe that its money managers must be on guard—against making too much money on investments. Otherwise, Guadalupe might, as a co-op, lose its tax-exempt status. At year end, its portfolio included $5.5 million in mortgage-backed securities and $3.4 million in bank deposits. To hold down taxable income, the managers put $6.7 million in tax-free bonds and stashed another $3.1 million in noninterest-bearing checking accounts.

Tax considerations, however, don't stifle entrepreneurial impulses at Guadalupe's posh headquarters on a hillside outside New Braunfels. The latest plan: Take over a failed $210 million savings and loan, cherry-pick its real-estate assets and leave the duds to the government. "Everything in the world revolves around finances," says Guadalupe's personable president, Kenneth Brannies. "I think it's a good time to get involved."

George Pratt, deputy REA administrator, offers another view: "They had $19 million burning a hole in their pocket." The notion of an REA borrower becoming a money lender irritates agency officials, though they can't forbid it. Federal bank regulators can, however, as Mr. Brannies discovered. Undaunted, he is lobbying for repeal of a law barring corporations from owning large stakes in banks or thrifts.

Meanwhile, Guadalupe's board has a fallback plan: share the wealth with its 15,000 member-customers as never before. Last year, it doled out $3 million in so-called patronage credits; one customer with multiple access lines reaped an $8,000 windfall. This year will bring a $4.5 million bonanza, which average out to $300 per customer, more than enough to cover the basic monthly rate. Some people who seldom call long-distance will dial for free.

SHARP PROFIT GAINS

Many telecommunications holding companies are faring as well as Guadalupe, partly because their newly acquired subsidiaries remain eligible for REA credit under a once-a-borrower, always-a-borrower ruling. The last half of the 1980s was a period of booming profits for holding companies, an REA analysis shows. Century Telephone's profits shot up 117% between 1985 and 1989, and Telephone & Data Systems posted a 93% increase. Thanks to REA subsidies, the holding companies, administration officials contend, are draining dollars out of rural America while saving on borrowing costs. In 1989 alone, the companies collected $439 million in dividends from their rural subsidiaries. GTE's Contel Corp. unit took $70 million out of a large California subsidiary.

For every dollar we send to Main Street, these holding companies take $2.40 [in dividends] back to Wall Street," REA Administrator Bryne complains.

Holding-company officials deny converting REA dollars into dividends; they say they're using them to improve service without big rate increases. "It's our obligation to provide telephone service at the lowest possible cost," says Anthony Hamilton, a GTE spokesman. "Therefore, we utilize REA loans wherever the circumstances justify."

So far this fiscal year, big holding companies already have applied for half the money in the $364 million REA loan pot, which is $51 million smaller than in fiscal year 1990. Most of the money is for direct loans at 5%—appreciably less than the government's own borrowing cost. Companies also can seek guaranteed loans at 8.5% interest, but nobody does. "They refuse to take guaranteed money," the REA's Mr. Pratt says. "Would you at 8.5% when you can get direct loans at 5%? They can wait until their turn comes in the queue"

But while many smaller REA borrowers clamor to restrict the big and the rich, some people abhor the notion of a means test—and denounce any ban on holding-company borrowing. "There's no reason why rural customers of Century should be discriminated against," asserts Stewart Ewing, chief financial officer for Century, based in Monroe, La., which led all borrowers last year with $82.6 million. "The cost of 10 miles of cable is the same for Century as it is for anybody else."

The REA-loan beneficiaries aren't the borrowers but the customers adds the United States Telephone Association, the big companies' lobby. Recently, the USTA, a powerful ally of the rural phone lobbies, entertained lawmakers and top aides at the tony Virginia Gold Cup steeplechase, pouring out the champagne beneath a sundrapped tent after the running of the U.S. Telephone Cup race.

One suggested compromise that some holding companies may be willing to accept: Dispense with the once-a-borrower, always-a-borrower rule and go back to the original REA guideline: Funds can be borrowed only to serve a community with a population of less than 1,500.

"We should be considered ahead of the big boys, simply because of our limited [profit] margins," says Benjamin Vigil, manager of La Jicarita Rural Telephone Cooperative, which serves Mora County, NM, one of the nation's poorest regions. "REA stands for rural," he says. "It isn't being run as it was meant to be."

U.S. UNNECESSARILY LENT $844 MILLION TO HEALTHY ELECTRIC CO-OPS

(By Ed White)

WASHINGTON.—The government granted $844 million in low-interest, taxpayer-financed loans over three years to 324 rural electric co-ops that were healthy enough to obtain commercial credit instead, auditors say.

The Agriculture Department's inspector general's office recommended that co-ops be held to a standard of need for future loans from the Rural Electrification Administration, according to a report obtained by The Associated Press.

The auditors found that nearly 70 percent of the REA's 470 borrowers from fiscal 1987–89 could have qualified for commercial loans. And they accounted for half of the $1.75 billion in 35-year, 5-percent loans issued by the agency in that period.

The REA, while differing with the inspector general's proposed criteria for determining a co-op's financial health, agreed that the stronger utilities should be denied government credit and is drafting such a rule. But it defended its past lending practices as a matter of congressional mandate.

The report "generally reflects a lack of understanding of the manner in which the Congress has directed the REA to operate," REA Administrator Gary C. Byrne told Assistant Inspector General James Ebbitt in response to the internal March report.

Congress has protected rural co-ops since the New Deal era, and may well step in to block the rules change now being drafted. The proposal already is under fire from the National Rural Electric Cooperative Association, the industry's powerful lobbying association.

The REA, an arm of the Agriculture Department, was created by President Franklin D. Roosevelt in 1935 to provide electricity to rural areas deemed unprofitable by larger power companies. It now directs billions of dollars in loans and loan guarantees to co-ops that provide power to 25 million people in 46 states.

Since the 1970s, REA subsidies have been attacked by White House budget writers, but rural lawmakers usually mount an effective defense.

If the healthier co-ops had sought credit outside the government, the REA could have used the money to ease the backlog of loan applications, which totaled $510 million on Sept. 30, 1989, auditors said.

Auditors criticized the REA for using only one standard when determining the financial strength of a borrower: a ratio that measured a co-op's investment in a power plant against the revenue produced over a period of time.

To make their judgment, auditors instead used a formula developed by Standard & Poor's, a Wall Street firm that grades utility bonds, and rated the borrowers, AA, A, BBB or BB.

A co-op rated AA, Barry Electric in Cassville, Mo., which borrowed $1.6 million in 1987, was healthy enough to meet its interest payments on all debts 40 times over, according to the auditors' analysis.

In 1988, Northern Virginia Electric Cooperative in Manassas, Va., borrowed $33 million, and Georgia Electric Membership Corp. in Jefferson, Ga., got $32 million. Each co-op was given an A rating by Agriculture Department auditors.

Since 1986, Congress annually has blocked the REA from denying or reducing loans if a borrower had a lot of cash available.

Yet, 1,021 telephone and electricity co-ops have cash and other liquid assets totaling nearly $2 billion, Byrns told a House subcommittee last month.

The industry's lobbying association, the NRECA, argues that the REA "cannot arbitrarily restructure the loan program in a manner designed to deny access to cooperatives that are otherwise legally eligible."

"Such a test was never intended by Congress in the first place," the group said.

Mr. SIMPSON. Mr. President, I am fully aware that when we mention the

phrase REA on the floor of the U.S. Senate, the staff members' ears shoot up, and therefore they will be scurrying to furnish information and ammunition to their principles, as they refer to us from time to time. And there would be a long and tedious day or two to wade through it all. Therefore, out of deference to the chairman, Senator BURDICK, who I enjoy thoroughly, and serve on his Committee on Environment and Public Works, and to THAD COCHRAN, who shares the leadership responsibilities on our side of the aisle, I am going to withdraw the amendment and work on this issue with Senator LEAHY and any other interested people. If they really want to do something constructive, then let us do something that signifies we are going to get the money to the little guy, or the little rural telephone company, or the person at the end of the line, regardless of density factors and all the other wonderful formulas. Let's do that, and stop this continual creativity of the REA and some of its sponsors, who have simply dropped their original mission and are inventing reasons for their existence.

I very much appreciate the interest shown in this matter by the chairman of the Agriculture Committee Senator LEAHY. He knows that I am very concerned about the lack of any priority system for determining how to best distribute the funds available to the REA so as to honestly address the real needs of the most needy and deserving rural electric and telephone cooperatives—while properly protecting the taxpayer. I am especially concerned that private corporations with substantial assets are able to obtain these low-interest Government loans from REA.

It may indeed be appropriate to provide some form of an eligibility test to better allocate funds to those borrowers who are truly needy.

The smaller cooperatives that often need the loans in order to maintain services to consumers often stand in line behind larger private corporate borrowers who have lots of cash on hand. I think everyone should have a fair opportunity to apply for these low-interest loans and I do deeply believe that reasonable eligibility criteria are more necessary than ever.

I know that my colleague from Vermont, Senator LEAHY, is also concerned about the need to make necessary reforms regarding the Rural Electrification Administration and the Rural Telephone Bank. I would like to inquire if he would consider working closely with me in solving this crisis at REA and RTB and assisting in the restructuring so necessary if we are to address America's needs.

Mr. LEAHY. I am indeed concerned about some of the policies of REA, primarily regarding telephone loans. I agree to work with the Senator on this important matter and I am hopeful that we can work together in a bipartisan fashion to carefully look at some reforms. I agree some reform is necessary and I am considering the need for hearings on this issue.

The PRESIDING OFFICER. If there is no objection, the amendment is withdrawn.

The amendment (No. 928) was withdrawn.

Mr. GRASSLEY addressed the Chair.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I am surely glad that the amendment has been withdrawn. But since I was anticipating the amendment, I am going to take advantage of the opportunity. I had a chance to think about this amendment and came over here to defend the present level of funding and to defend the rural electric program.

I come from a State that has many farm families and those people have to be served. We have some appreciation for REA's. We would not have had service to rural America if it had not been for this program over 50 years ago.

The Nation's 1,000 rural electric systems provide electric service to more than 25 million people. Rural electric system lines stretch over 75 percent of the land mass of the continental United States. That 75 percent encompasses some of the most difficult and demanding terrain in the country. And that is just where rural electric systems set their poles and build their substations to get power to rural Americans.

However, that terrain, combined with a very low population density, means that is costs rural electric systems more per consumer to provide electric service than it costs utilities which serve cities. To give you an idea of just how few people are left in rural areas, the average consumer density for rural electric systems is five consumers per mile of line. The average for other utilities is 30 consumers per mile of line.

But the rural electric systems are out there, doing the job and sometimes they are the only ones in rural areas capable of promoting and encouraging economic development, to provide new jobs and additional tax revenues that come from economic growth by which our Government benefits as well.

They do all of this in their normal course of operation. Furthermore, they do all of this at cost. Rural electric systems operate on a not-for-profit basis.

The primary source of outside capital for these systems is the Rural Electrification Administration [REA] loan programs. Rural electric systems can borrow up to 70 percent of their capital needs from REA.

Until recently, that is. The situation at REA right now is that demand for loans exceeds the availability of money. REA insured loans for co-ops were cut by 25 percent during the reconciliation process adopted on October 27, 1990, by this body. There is a backlog of about $801.1 million in loan applications at REA. That means that some co-ops will be in line for loans for as long as 2 years.

That is why I believe that the 25-percent cut should be restored now. I fully understand that money is tight in the Federal budget. However, money is also tight in rural America, parts of which have not yet recovered from the last recession. REA is a financially sound program and economic investment in the rural areas upon which we all depend for food and livelihood.

Congress last year enacted the Federal Credit Reform Act of 1990 which changes the way Federal loans are recorded in the Government's books. One of the major effects of credit reform was to place all credit programs, including REA, on an even footing, so that we may make better informed policy decisions. Credit reform shows us the true cost of lending programs. There is no more smoke and mirrors.

The true, lifetime cost of the insured lending level of $622 million approved by the Appropriations Committee is $117 million. The cost of that program is less than 20 percent of its lending levels and that cost provides a great return: stable, reliable energy for rural America.

So I am glad that this amendment has been withdrawn, because, without its withdrawal, the amendment would have undermined the efforts of the Agriculture Appropriations Subcommittee to restore vital REA-insured loan funding levels.

I yield the floor.

Mr. COCHRAN. Mr. President, with the withdrawal of the Simpson amendment, there are no other amendments in order to the bill. We are advised that the distinguished Republican leader, Mr. DOLE, wanted to have a couple of minutes for some comments with respect to an amendment that we agreed to earlier in the day. And so while we are waiting for his arrival on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTHERN REGIONAL AGRICULTURAL UTILIZATION CONSORTIUM

Mr. DASCHLE. Mr. President, I want to commend the distinguished Senator from North Dakota [Mr. BURDICK] and the distinguished Senator from Mississippi [Mr. COCHRAN] for their work in developing the agricultural appropriations bill. Their task, in the past few years, has become exceedingly difficult given the tight budgetary constraints we face. There are many worthwhile projects that simply could not be funded in this year's bill.

One such project is the work of the Northern Regional Agricultural Utilization Consortium that is involved in some exciting agricultural research initiatives in my part of the country. NRAUC was formed in 1990 as a joint project of Minnesota, North Dakota, and South Dakota to enhance the research and development of value-added agricultural products. While the north-central region is a major producer of grains, oilseeds, and animal products, and although agriculture is a major industry in the region, the majority of the region's agricultural products are exported in the form of raw commodities.

We believe new opportunities exist to add value to these commodities, within our region, though the development of new products and processes with industrial applications. The NRAUC was created to bring resources together to capitalize on these opportunities and enhance the rural economies of the three States.

Specifically, the goals of the NRAUC are the following: First, the development, through research, of value-added technologies that provide new uses and new products for northern-region commodities; second, the transfer of that technology to regional industries though pilot-scale applied research and demonstration projects; and third, the creation of a venture capital fund for investment in new technologies. Cereal crop value-added processes, new livestock and meat processing, and oil crop processing projects have been targeted by the research subcommittee of the NRAUC as the priority areas for value-added research projects.

To accomplish the goal of the NRAUC, university scientists develop methods to process our regions' most abundant raw materials, its crops and livestock, into products sought by consumers nationwide. NRAUC tests, commercializes, and markets the new technologies within the region. Then, with NRAUC assistance, industries adopt the technologies in value-added processing plants. The regional industrial base enlarges, new jobs are created, and Minnesota, North Dakota, and South Dakota stabilize and expand their economies.

This approach pools knowledge and eliminates unnecessary expenditures and duplication. Each State has agencies with grant and loan capabilities already in place to help young or expanding businesses. The NRAUC budget is funded from the State governments of Minnesota, North Dakota, and South Dakota. This past year, the consortium received a Cooperative State Research service special grant for agricultural utilization research and development initiatives.

Regretfully, this year's appropriation bill does not include funding for the NRAUC. However, the work of the NRAUC will continue and, hopefully, additional funding will be forthcoming in next year's appropriations bill. When the appropriations process for fiscal year 1993 begins, it is my hope that funding for NRAUC will be given consideration.

FAILURE OF APPROPRIATIONS PROCESS

Mr. LEAHY. Mr. President, I feel I must express my frustration and disappointment at the failure of the appropriations process to keep faith with the commitment of the 1990 farm bill to the environment. It is a personal disappointment for me to see long hours of effort and involvement go unheeded in the rush to maintain the status quo.

It is also wrong not to meet those obligations assumed by this body in the 1990 farm bill to balance the needs of agricultural production with the goals of pollution prevention that a cleaner, greener environment demands.

Three basic program examples should make my point. The first is the Wetland Reserve Program [WRP]. This program is designed to pay farmers to restore up to 1 million acres of wetlands. This is a totally voluntary program which could ultimately cost up to $700 million for 30-year or permanent easements.

Why didn't we simply make such wetlands eligible for the Conservation Reserve Program? The answer is simple. We wanted the taxpayer to get the bang for his buck. Paying the farmer 10 years of rent only to see the wetland returned to agricultural production didn't make sense. It is true that a little sugar makes the medicine go down. But we can't get carried away. The appropriations bill funds less than a third of my request and allows the establishment of 15-year easements for up to 100,000 acres. This approach isn't much better than using the CRP. It turns a candy cane for many farmers into Godiva chocolates for a few.

All of us are aware of the huge battle being waged over the definition of wetlands under 404 program in the Clean Water Act. The WRP was structured to take some pressure off that program by ensuring that farmers could voluntarily respond to the problem and be paid for doing so. The appropriations bill turns a bonus into a boondoggle. It is unacceptable.

Second, one of the best ideas in the 1990 farm bill was the Water Quality Incentives Program [WQIP] which is another voluntary program that would pay farmers a nominal amount per acre to adopt new environmentally sound practices. The administration saw the wisdom of that concept by recommending $5 million in funding—it is cheaper than retiring land in the CRP and it helps farmers solve their environmental problems in a nonthreatening, nonregulatory way.

Here again the appropriations bill rejects this wisdom. It provided a measly $3.5 million—less than the miserly OMB agreed to—for this innovative new program.

Third, the appropriations bill provides minimal funding for the Low-Input Sustainable Agriculture [LISA] Program. Mr. President, I have been pushing this worthwhile program for many, many years. It has taken a while to catch on, but finally even the administration began to request money for the program. This year, however, the Senate bill level funds the program at $6.7 million—no money to meet inflation for a program the National Academy of Science [NAS] said should be funded at $40 million.

Mr. President, $270 million should be appropriated for the WRP, $50 million for the WQIP and $20 million for LISA. I know we are facing real budget crisis in this appropriations cycle. I know that many worthwhile programs are unfairly forced to complete.

But this is wrong. This bill ignores too many hours of work with all sides of the agricultural equation. My committee and I didn't make agreements and forego compromises in order to see it all go up in smoke.

The environmental community is understandably disturbed by this course of events. I share their concern and can predict where the new battle lines will be drawn. If we do not give farmers the meaningful tools to meet this challenge, it will be met in a less welcome setting. No one should be surprised when the environmentalists demand that agriculture must be regulated.

We cannot talk about a green farm bill when we are unwilling to put our money where our mouths are.

No one person is responsible for this course of events. Chairman BURDICK and ranking member COCHRAN have struggled hard to develop a sensible allocation of scarce resources. Next year we must all work together, however, to each the conclusion that helps our farmers to address environmental issues in a sensible manner. Any other course will serve neither our farmers nor the public good.

Mr. DIXON. Mr. President, I rise today to support the Appropriations Committee's recommendation to restore the Rural Electrification Administration's [REA] funding level.

Since 1935, electric cooperatives have played an important role in improving and strengthening the lives of rural Americans. The Rural Electrification Administration, and its rural cooperatives, have greatly contributed to the economic development and security of the communities in which they serve.

Over the past decade, unfortunately, REA has been subject to a funding level assault that has challenged its mission and undermined its ability to perform the crucial services that it provides. Since 1980, rural electric coops have had their funding cut more than 40 percent. On top of these cuts, last year's reconciliation bill imposed

an additional 25-percent reduction. The result is a funding level that is inadequate to meet the needs of rural Americans.

The Agriculture Appropriations Subcommittee, and the full Committee on Appropriations, in its wisdom, recognized the shortsightedness of these past policies and have sought to reverse the trend. The Agriculture appropriations bill that is before us today, seeks to restore REA funding to its fiscal year 1991 level.

Mr. President, cooperatives serve those consumers who live in the Nation's most sparsely populated areas, increasing the cost of service per consumer. Consumers of electric cooperatives already face higher electric rates than consumers in other areas. This is particularly troublesome because rural areas house high percentages of impoverished Americans. Program reductions and increased consumer electric bills place further stress on incomes of rural families, and decrease the ability of co-ops to contribute to a revitalized rural economy. To further cut REA program funding, now, will only exacerbate this already burdensome situation.

Finally, it is important to note that REA loans are not giveaways, grants, or transfer payments. REA loans are repaid, with interest, to the Federal Government. Indeed, last year, in addition to providing a reliable, efficient source of energy to rural areas, repayments by electric co-ops exceeded loan advances by $2.5 billion.

Mr. President, adequate funding levels for REA ensures that rural Americans will not be shortchanged. I urge my colleagues to support the restoration of these funds for this important and vital program.

Mr. LAUTENBERG. Mr. President, I rise to highlight several important aspects of the fiscal year 1992 agriculture appropriations bill and to commend the distinguished subcommittee chairman, Senator BURDICK, and the distinguished chairman, Senator BYRD, for their efforts on this bill. This legislation funds various agriculture programs, as well as vital food and nutrition programs such as food stamps and WIC, the supplemental food program for women, infants, and children.

I would like to discuss several items of importance to my State that are addressed in the bill and the report.

RUTGERS PLANT BIOSCIENCE CENTER

At my request, the committee has included $3.544 million for the construction of a plant bioscience center at Rutgers University to be located on the Cook College of Agriculture campus. The bioscience center will integrate the latest technologies with traditional scientific approaches to solve problems facing modern production agriculture and the environment.

Construction will begin this fall on the center which will house facilities for plant biotechnology research and genetic engineering of plants and microorganisms. The 280,000 square foot facility will house the Center for Agricultural Molecular Biology which will include state-of-the-art laboratories, a research library, teaching classrooms, and attached greenhouses. The complex will replace obsolete facilities and equipment and will provide first-class facilities for undergraduate and graduate training. The center will integrate basic and applied research with extension activities to ensure that agriculture in the region remains profitable and environmentally sound.

The funds included by the committee will supplement funds committed by Rutgers University and the State of New Jersey totaling $27 million. I am pleased that this funding will allow Rutgers to begin construction in the fall on this important new research facility which will enhance its reputation for excellence and innovation in agricultural research.

To meet environmental concerns and to grow crops more efficiently, I believe that we need to invest in innovative research which combines cutting-edge technology with basic science. The bioscience center will develop technologies to increase agricultural productivity in New Jersey, while training the next generation of plant biologists and researchers. I wish to thank the chairman for including these funds for this new facility.

CRANBERRY AND BLUEBERRY RESEARCH

This legislation also contains funding for Rutgers' cranberry research facility at Chatsworth, NJ. These important research funds support the development of insect and disease-resistant varieties of berries.

Another important focus of cranberry and blueberry research is the development of alternative pest management technologies compatible for use in the environmentally sensitive wetlands where blueberries and cranberries are grown.

In New Jersey we are extremely proud of our blueberry and cranberry crops, and I want to take this opportunity to express my appreciation for the inclusion of these funds to support this vital research in my state.

IR–4

The agriculture appropriations bill also includes $3 million in funding for the Interregional Research Program No. 4 [IR–4] Program. This national research program, headquartered at Rutgers University, is a cooperative effort of the State agricultural experiment stations and the USDA working in concert with the agricultural chemical companies and the EPA to pursue registration of minor use pesticides. Minor use pesticides are used by many of the Nation's farmers of vegetables and nursery crops. Many farmers in my State rely on minor use pesticides for growing the fruit and vegetable crops which comprise almost 80 percent of New Jersey's farm production. This research provides data on the safety and effectiveness of minor use pesticides, which will ensure the continued availability of these products for farmers of so-called minor crops around the country.

APHIS LAB

Mr. President, I want to express my appreciation to Senator BURDICK for the inclusion of language in the bill which prevents the U.S. Department of Agriculture Animal and Plant Health Inspection Service from relocating its Methods Development Center from its present location in Hoboken, NJ, to another site in any other State. The Methods Development Center provides important fumigation and quarantine services and consultation to the ports and related businesses in the North Atlantic region. For this reason, I requested that language be included in the report which directs the USDA to consider alternative sites in New Jersey for the Methods Development Center.

The proximity of this research laboratory to the ports it serves makes it a valuable resource to the mid-Atlantic region which ultimately benefits the consumers served by the ports. The inspection and fumigation of the large volume of fresh fruits and food products which enter the ports at New York, New Jersey, and Philadelphia and handled quickly with the assistance and expertise of the Methods Development Center.

FDA USER FEES

Finally, I was gratified to see that this legislation rejected the administration's budget proposal to fund $197.5 million of FDA salaries and expenses through user fees. I requested that user fees be excluded from this legislation, consistent with my long-standing concern that any health-related user fee will ultimately burden consumers of health products and pharmaceuticals. My belief is that the Government should encourage the drug and medical device industry to invest in research and development. Under fees would do just the opposite. I commend the subcommittee chairman, Senator BURDICK for refusing to include user fees as part of FDA's budget.

RECIRCULATING AQUACULTURE SYSTEMS AT VIRGINIA POLYTECHNIC INSTITUTE

Mr. WARNER. Mr. President, I rise to engage in a colloquy with the distinguished ranking member of the Agriculture Appropriations Committee, Senator COCHRAN.

Mr. President, during consideration of the 1990 farm bill, now Public Law 101–624, I offered an amendment to authorize $500,000 for Virginia Polytechnic Institute for fiscal years 1991 through 1995 to gain further knowledge of intensive water recirculating aquaculture systems. After the distinguished chairman of the Agriculture

Committee indicated that he was applying a uniform policy of not considering amendments of this kind, I withdrew my amendment.

Mr. President, during floor debate on the 1990 farm bill, the Senator from Vermont did an admirable job of holding the line and not accepting project specific amendments. In fact, I vividly recall his comparing himself to Horatio at the bridge. I also recall the Senator from Vermont's assurances that, by offering my amendment, I had expressed a good cause. However, he indicated that it was up to the Senator from Virginia to elevate a good cause to a noble cause, prior to the farm bill conference.

I would like to believe that the chariman of the Senate Agriculture Committee along with other conferees, found fundings for intensive water recirculating aquaculture systems at Virginia Tech to be a noble cause, since authorization for such funding was included in Public Law 101-624.

Mr. President, the knowledge of the ranking member of the Agriculture Appropriation's Committee on the importance of aquaculture in the United States is unsurpassed, I dare say, by any other Member of this body. The Senator from Mississippi is fully aware of the importance of aquaculture in his own State.

I would like to inquire of the Senator from Mississippi if it is not in the best interest of aquaculture, agricultural policy and indeed the United States to further our knowledge of aquaculture, particularly closed-system aquaculture, to help meet the demand for fishery products in this country and to reduce the incredibly large trade deficit in this area.

Mr. COCHRAN. Mr. President, I thank the senior Senator from Virginia for his remarks. He has documented well the history of the debate which surrounded his amendment to the 1990 farm bill. The Senator from Virginia is also correct in his comments regarding the importance of aquaculture to not only my State of Mississippi, but to the Nation, and to reducing the trade deficit we are experiencing in this area.

Mr. President, I am a staunch supporter of efforts to gain further knowledge of aquaculture through important research performed at our Nation's agricultural universities. Such research and experience is important to not only building our Nation's aquaculture industry, but to sustaining it.

While funding for intensive water recirculating aquaculture systems at Virginia Tech was not included in the Senate's bill, I would not suggest that such funding is not important to the aquaculture industry. I assure the Senator from Virginia that I will do all I can in conference to see that funding for closed-system aquaculture at Virginia Tech is given ample consideration.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Mississippi.

Mr. President, the House Agriculture appropriations bill includes funding for intensive water recirculating aquaculture systems at Illinois State University, but, does not include such funding for Virginia Tech. Both of these institutions were authorized to receive such funding in Public Law 101-624.

I would like to urge the distinguished managers of this measure before us to try to secure in conference equal funding for Virginia Tech's closed-system program. Falling short of that, I urge that such funding as is currently provided for in the House bill for Illinois State be split equally with Virginia Tech.

Mr. COCHRAN. Mr. President, I would like to assure the Senator from Virginia that I will do all that I can to see that Virginia Tech is treated equally with Illinois State University.

Mr. WARNER. Mr. President, I thank the Senator from Mississippi.

Mr. President, I would like to conclude my remarks by pointing out to my colleagues that the Commonwealth of Virginia and Virginia Tech have both invested substantially in closed-system aquaculture. Virginia Tech houses the largest and most advanced research facility of its kind in the world. I believe that funding for this important program would be an investment that pays big dividends.

THE MARKETING PROMOTION PROGRAM

Mr. BAUCUS. Mr. President, I rise today in support of the Marketing Promotion Program [MPP]. The Congress created MPP last year as the successor of the Targeted Export Assistance Program [TEA].

Although the name has changed, the program has the same basic goals—helping U.S. producers export to foreign markets and countering unfair foreign trade practices. For 6 years, MPP/TEA has become one of America's most effective tools for boosting U.S. agricultural exports.

In my own State of Montana, MPP/TEA has been used effectively by several commodity groups, including the forest products industry. Using MPP/TEA, the U.S. wood products industry has fought against trade barriers in nearly a dozen countries. As a result, the impact of foreign trade barriers has been reduced, and we have protected jobs here in the U.S. MPP/TEA has helped to more than double forest product exports since 1985.

Our experiences in the Uruguay round clearly demonstrate that unfair foreign practices are a continuing concern. MPP represents one of the most effective ways to redress these practices. I urge my colleagues to ensure this vital market development program remains viable by supporting it at the full authorized level of $200 million for fiscal year 1992.

REA LOAN GUARANTEES

Mr. SASSER. Mr. President, I rise to oppose the amendment of the Senator from Wyoming, to reduce funding for Rural Electrification loan guarantees and to impose a means test on rural electrification and telephone cooperatives.

This amendment is based on a number of incorrect premises. Chief among them are that REA is no longer needed and that REA borrowers are financially strong.

Those who claim that REA has served its purpose and should now be eliminated, or that the Federal Government should only back a portion of REA loans are wrong, Mr. President. Either proposal would have the effect of destroying the Rural Electrification Administration.

First of all, there continues to be a need for REA programs. Rural electric cooperatives continue to provide service to more than 10 percent of the American people. Rural electric lines span about 75 percent of the country.

Second, rural electric cooperatives continue to face the same difficulties as they have in the past: Line density and revenue per mile. Rural electric systems serve only 5.2 customers per mile. This compares with 32 customers per mile for investor-owned utilities, and 41 customers per mile for municipal system.

Third, because of low customer density, and comparatively few business consumers, rural cooperatives collect a far lower rate of return than other types of electric utilities. The revenue per mile for the average electric cooperative is $5,752. Compare that with $54,402 for an investor-owned, and $59,134 for municipal systems.

The end result of low line density and low revenue per mile is that cooperatives have great difficulty obtaining loans on the commercial market, and little chance of doing so without fully guaranteed Federal loans.

So, Mr. President, I believe that the pending amendment would do serious damage to our Nation's rural electric cooperatives. That would be unwise and it would be shortsighted.

Franklin Roosevelt created the Rural Electrification Administration in 1935. At the time, only 11 percent of our Nation's farms had electric service. Today, virtually the entire nation has electric and telephone service—and has it at affordable rates.

Rural electrification programs have already contributed more than their fair share to deficit reduction. Since 1980, REA has experienced a 40-percent reduction in loan levels. This has led to a backlog of applications of over $800 million and long delays in loan approvals.

REA programs have proven their worth in the past and continue to be needed in the rural areas of our country. I am pleased that my colleague

from Wyoming has chosen to withdraw his amendment and I trust that nothing will be done in conference to impose further hardships on REA borrowers.

FMHA AMENDMENT GUARANTEED LENDING

Mr. DOLE. Mr. President, I would like to thank the distinguished floor managers and other Senators, especially Senator KASTEN, for their efforts on the amendment agreed to earlier today which partially redirects the funding for Farmers Home Administration lending programs. The problem, as my colleagues have been made aware, was that funding for the FmHA guaranteed lending programs had been zeroed out both in the Senate and the House bill, while the direct lending programs were funded at a level well in excess of current or recent needs.

The amendment agreed to simply transfers $100 million in direct lending authority to the Guaranteed Lending Program. As I understand it, $100 million in direct lending correlates with $182 million of guaranteed lending authority. That additional authority stems from the fact that guaranteed loans limit the Federal Government's risk exposure, while allowing farm borrowers to build a sound working relationship with rural banks—not the Government.

Furthermore, Mr. President, the funding levels as presented by the committee were not in accordance with the levels mandated by last year's Budget Reconciliation Act. It is my understanding that—even after the Kasten amendment—the new levels still violate those guidelines. However, what we have accomplished with this amendment is a step in the right direction, and I look forward to working with both the conferees and the Department in order to accommodate any additional funding needs which may arise.

I appreciate the widespread support expressed for this amendment on both sides of the aisle, and, again, look forward to working with the conferees to see this important provision through conference.

The PRESIDING OFFICER. The Senator from Mississippi will be advised that pursuant to the previous unanimous-consent agreement, no amendments are in order to the legislation currently pending.

Mr. COCHRAN. I thank the Chair for making that announcement. That was the observation this Senator made a few moments ago as well. We are now at the point that we are ready to vote on final passage of the bill.

However, I rise to commend the distinguished Republican leader for his remarks, and to say that we appreciate having his support for the amendment that was agreed to earlier in the day that was offered by the distinguished Senator from North Dakota, this Senator, and Senator KASTEN from Wisconsin. As the leader said, that was a step in the right direction toward reviving and making possible the continuation of the guaranteed loan program that is proving to be very workable in many States, including the State of Mississippi—my State.

Mr. President, I know of no other Senator seeking recognition, and I ask for the yeas and nays on final passage of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 7, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—92

Adams	Exon	McCain
Akaka	Ford	McConnell
Baucus	Fowler	Metzenbaum
Bentsen	Glenn	Mikulski
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boren	Gramm	Nickles
Bradley	Grassley	Nunn
Breaux	Harkin	Packwood
Bryan	Hatch	Pressler
Bumpers	Hatfield	Reid
Burdick	Heflin	Riegle
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Chafee	Inouye	Sanford
Coats	Jeffords	Sarbanes
Cochran	Johnston	Sasser
Cohen	Kassebaum	Seymour
Conrad	Kasten	Shelby
Craig	Kennedy	Simon
Cranston	Kerrey	Simpson
D'Amato	Kerry	Specter
Danforth	Kohl	Stevens
Daschle	Lautenberg	Symms
DeConcini	Leahy	Thurmond
Dixon	Levin	Warner
Dodd	Lieberman	Wellstone
Dole	Lott	Wirth
Domenici	Lugar	Wofford
Durenberger	Mack	

NAYS—7

Brown	Roth	Wallop
Garn	Rudman	
Pell	Smith	

NOT VOTING—1

Pryor

So the bill (H.R. 2698), as amended, was passed.

Mr. BURDICK. Madam President, I move that the Senate insist upon its amendments to H.R. 2698 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer [Ms. MIKULSKI] appointed Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. COCHRAN, Mr. KASTEN, Mr. SPECTER, Mr. NICKLES, Mr. BOND, and Mr. HATFIELD conferees on the part of the Senate.

GOOD, NEEDED, BUT TOO COSTLY

Mr. PELL. Madam President, I voted against H.R. 2698, the Agricultural appropriations bill despite my knowledge that there is much that is good and much that is needed in this measure.

Among these good and needed provisions, I count $500,000 in Federal construction funds for buildings to house the Coastal Institute on Narragansett Bay at the University of Rhode Island.

I want to commend the Agricultural Appropriations Subcommittee and, particularly its chairman, the senior Senator from North Dakota [Mr. BURDICK], for their hard work and the many excellent provisions of this measure.

As I have in the past, however, I found that the total Agricultural appropriations bill was just too costly.

Mr. BYRD. Mr. President, I want to give special thanks and recognition to Senator QUENTIN BURDICK, chairman of the Agriculture Appropriations Subcommittee, and to Senator THAD COCHRAN, the ranking minority member, of the subcommittee for their splendid efforts in managing the Agriculture appropriation bill. This subcommittee worked under extremely tight budgetary constraints, perhaps the tightest of any of our 13 subcommittees. Yet, these two Senators produced a bill which was approved by the full Appropriations Committee with no disagreement among committee members as to the makeup of the bill or its balance and fairness to all of the agencies which are funded under the bill.

Earlier today, the Senate completed action on this important measure after agreeing to several amendments and adopting one amendment by a rollcall vote. This expeditious handling of the Agriculture bill by the Senate is a testament to the many weeks and months of hard work, which I know have been devoted to this effort by Senator BURDICK and Senator COCHRAN. I am confident that in the conference with the House these Senators will do their level best to protect the interests of this Nation, as well as the interests of the Senate.

I want Senators BURDICK and COCHRAN to know that I deeply appreciate their hard work on behalf of the committee and the Senate.

Senator BURDICK has never failed to meet his responsibilities as a member of the Appropriations Committee and

as chairman of this important subcommittee. He is always at his duty station ready to do business whenever the committee or the Senate calls upon him and for that, the Senate and the people of this Nation owe him their thanks and gratitude.

I also commend the staff of the subcommittee on both sides of the aisle: Rocky Kuhn, Dan Dager, Irma Pearson, Carole Geagley, and Mary Tenenbaum.

Mr. BURDICK. Madam President, I want to thank Senator COCHRAN for his help in managing this bill and seeing it through to final passage. His guidance is most helpful. I could not ask for a more cooperative and informed ranking member.

I also would like to say a special thank you to the committee staff, who have worked so long and hard on this bill: Rocky Kuhn, Daniel Dager, and Carole Geagley, for the majority; and Irma Pearson and Mary Tenenbaum for the minority, who have all worked so hard. And without their expertise, we would not have been able to complete the task.

Mr. COCHRAN. Madam President, let me thank the distinguished Senator from North Dakota for his kind remarks. It has been a pleasure working with him in the development of this legislation. I appreciate very much his cooperation and his leadership in the effort, and congratulate him on the passage of this bill.

I would also like to express thanks and appreciation to the members of the staff he identified, and also to include Jim English, who is the staff director of the full Committee on Appropriations, and Keith Kennedy, who is the staff director for the minority.

I also wish to express appreciation to the chairman of the full committee, Senator BYRD, and the distinguished ranking Republican member of the committee, Senator HATFIELD, for their cooperation and assistance to the committee as we did our work.

Finally, Madam President, I wish to thank all of the members of the subcommittee who worked to help develop this legislation, and who attended the hearings to develop the information on which we based these decisions in the development of the bill.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CHANGE OF VOTE

Mr. WALLOP. Madam President, I ask unanimous consent that on rollcall No. 159, the Leahy amendment, that I be permitted to change my vote from "no" to "aye," and the result will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been corrected to reflect the above order.)

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

DEBT OF GRATITUDE

Mr. MITCHELL. Madam President, I want to thank the distinguished chairman and ranking member of the subcommittee for their diligence in managing this bill and for moving it forward to completion today. All Members of the Senate owe them a debt of gratitude for their skill and persistence in that regard.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

Mr. MITCHELL. Madam President, I now ask unanimous consent that the Senate proceed to the consideration of H.R. 2608, the State, Justice, Commerce, Judiciary appropriations bill for fiscal year 1992.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies of the fiscal year ending September 30, 1992, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, **[**$88,876,000**]** *$90,004,000*, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by parts D and E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, including salaries and expenses in connection therewith, **[**$493,000,000**]** *$498,000,000*, to remain available until expended, of which: (a) **[**$450,000,000**]** *$475,000,000* shall be available to carry out subpart 1 and chapter A of subpart 2 of part E of title I of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized by section 2801 of Public Law 101-647 (104 Stat. 4912); (b) **[**$25,000,000 shall be available to carry out chapter B of subpart 2 of part E of title I of said Act, for Correctional Options Grants, as authorized by section 1801(e) of Public Law 101-647 (104 Stat. 4849); (c)**]** $1,000,000 shall be available to carry out part N of title I of said Act, for Grants for Televised Testimony of Child Abuse Victims, as authorized by section 241(c) of Public Law 101-647 (104 Stat. 4814); and **[**(d) $17,000,000**]** *(c) $22,000,000* shall be available to the Director of the Federal Bureau of Investigation for the National Crime Information Center 2000 project, as authorized by section 613 of Public Law 101-647 (104 Stat. 4824)**[**: *Provided*, That $25,000 of the funds made available to the State of Arkansas in fiscal year 1992 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, shall be provided to the Arkansas State Police for high priority drug investigations**]**: *Provided further, That $5,762,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall be obligated for a program to assist States in the litigation processing of death penalty Federal habeas corpus petitions.*

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith, $76,000,000, to remain available until expended, as authorized by section 261(a), part D of title II, of said Act (42 U.S.C. 5671(a)), of which $3,500,000 is for expenses authorized by section 281 of part D of title II of said Act; *and of which $1,000,000 shall be made available to plan, design, and operate a Missing Alzheimer Patient Alert program; Provided, That said program shall be funded through a grant from discretionary funds to a national voluntary organization representing Alzheimer patients and families.*

[In addition, for grants, contracts, cooperative agreements, and other assistance authorized by title II of the Victims of Child Abuse Act of 1990, $2,000,000, to remain available until expended, as authorized by sections 218 and 254 of Public Law 101-647 (104 Stat. 4796 and 4815), of which $1,000,000 is for expenses authorized by subtitle A of title II of said Act, and of which $1,000,000 is for expenses authorized by subtitle G of title II of said Act.**]**

In addition, **[**$4,885,000**]** *$4,963,000* for the purpose of making grants to States for their expenses by reason of Mariel Cubans having to be incarcerated in State facilities for terms requiring incarceration for the full period October 1, 1991, through September 30, 1992, following their conviction of a felony committed after having been paroled into the United States by the Attorney General: *Provided*, That within thirty days of enactment of this Act the Attorney General shall announce in the Federal Register that this appropriation will be made available to the States whose Governors certify by February 1, 1992, a listing of names of such Mariel Cubans incarcerated in their respective facilities: *Provided further*, That the Attorney General, not later than April 1, 1992, will

complete his review of the certified listings of such incarcerated Mariel Cubans, and make grants to the States on the basis that the certified number of such incarcerated persons in a State bears to the total certified number of such incarcerated persons: *Provided further*, That the amount of reimbursements per prisoner per annum shall not exceed $12,000.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) and section 1301(b) of Public Law 101-647 (104 Stat. 4834).

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, [$109,925,000] *$112,642,000*.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

Of the total income of the Working Capital Fund in fiscal year 1992 and each fiscal year thereafter, not to exceed 4 percent of the total income may be retained, to remain available until expended, for the acquisition of capital equipment and for the improvement and implementation of the Department's financial management and payroll/personnel systems: *Provided*, That in fiscal year 1992, not to exceed $4,000,000 of the total income retained shall be used for improvements to the Department's data processing operation: *Provided further*, That any proposed use of the retained income in fiscal year 1992 and thereafter, except for the $4,000,000 specified above, shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

In addition, for fiscal year 1992 and thereafter, at no later than the end of [each fiscal year, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the Working Capital Fund to be available for the acquisition of capital equipment, and for the improvement and implementation of the Department's financial management and payroll/personnel systems] *the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available to the Department of Justice during such fiscal year may be transferred into the capital account of the Working Capital Fund to be available for the Departmentwide acquisition of capital equipment, development and implementation of law enforcement or litigation related automated data processing systems, and for the improvement and implementation of the Department's financial management and payroll/personnel systems: Provided, That any proposed use of these transferred funds in fiscal year 1992 and thereafter shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [$27,893,000] *$30,719,000*; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission, as authorized by law, [$9,855,000] *$9,786,000*.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and rent of private or Government-owned space in the District of Columbia; [$379,804,000] *$388,821,000*, of which not to exceed $5,973,000 shall be available for the operation of the United States National Central Bureau, INTERPOL; and of which not to exceed $6,000,000 for litigation support contracts shall remain available until September 30, 1993: *Provided*, That of the funds available in this appropriation, not to exceed $35,213,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: *Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.*

In addition, for expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,000,000 to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

In addition, section 245A(c)(7) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1255a(c)(7)), as amended, is further amended by inserting after subsection (B) a new subsection as follows:

"(C) IMMIGRATION-RELATED UNFAIR EMPLOYMENT PRACTICES.—Not to exceed $3,000,000 of the unobligated balances remaining in the account established in subsection (B) shall be available in fiscal year 1992 and each fiscal year thereafter for grants, contracts, and cooperative agreements to community-based organizations for outreach programs, to be administered by the Office of Special Counsel for Immigration-Related Unfair Employment Practices: *Provided*, That such amounts shall be in addition to any funds appropriated to the Office of Special Counsel for such purposes: *Provided further*, That none of the funds made available by this section shall be used by the Office of Special Counsel to establish regional offices.".

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, [$53,045,000] *$58,494,000* of which an estimated [$10,000,000] *$13,000,000* shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of [$43,045,000] *$45,494,000*: *Provided*, That fees made available to the Antitrust Division shall remain available until expended[, but that any fees received in excess of $10,000,000 in fiscal year 1992 shall not be available for obligation until fiscal year 1993].

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys[, $720,737,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses]; *including operating leases for facilities required to house students, administrative and training staff, provide classroom space, library space, and other auxiliary space to accommodate the relocation of the Legal Education program to a site within the State of South Carolina where legal education training shall be provided to Federal, State, and local prosecutive and litigative personnel; $728,259,000, of which not to exceed $5,000,000 shall be available until September 30, 1993, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, and (3) paying the costs of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs; of which not to exceed $1,200,000 shall remain available until expended for the development of office automation capabilities to the Project EAGLE system; of which not to exceed $10,000,000 shall remain available until expended for the costs associated with the relocation of the Legal Education program: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That of amounts available in this account in fiscal year 1992, not to exceed $9,000,000 shall remain available until expended and may be used to fund intergovernmental agreements, including cooperative agreements and contracts, with State and local law enforcement agencies engaged in pilot projects pertaining to the investigation and prosecution of violent crime and drug offenses.*

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, [$67,520,000] *$69,571,000*, to remain available until expended and to be derived from the Fund, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554): *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $843,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including acquisition, lease, maintenance, and operation of vehicles and aircraft; $313,847,000, including purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; of which not to exceed $11,723,000 for the renovation and construction of Marshals Service prisoner holding facilities shall be available until expended, and of which not to exceed $6,000 shall be available for official reception and representation expenses.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, [$218,125,000] *$224,125,000*, to remain available until expended; of which not to exceed $15,000,000 shall be available under the Cooperative Agreement Program: *Provided, That $10,000,000 of the $15,000,000 available under the Cooperative Agreement Program shall be used for a cooperative agreement with the State of Hawaii for the housing of Federal prisoners and detainees in Hawaii.*

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $92,797,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; and of which not to exceed $1,008,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $27,343,000, of which not to exceed [$19,000,000] *$18,198,000* shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation and reception and placement in the United States of Cuban and Haitian entrants: *Provided*, That notwithstanding section 501(e)(2)(B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: *Provided further*, That to expedite the outplacement of eligible Mariel Cubans from Bureau of Prisons or Immigration and Naturalization Service operated or contracted facilities into Community Relations Service hospital and halfway house facilities, the Attorney General may direct reimbursements to the Cuban Haitian Entrant Program from "Federal Prison System, Salaries and Expenses" or "Immigration and Naturalization Service, Salaries and Expenses": *Provided further*, That if such reimbursements described above exceed $500,000, they shall only be made after notification to the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 606 of this Act.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $100,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, [$363,374,000] *$380,344,000*, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in section 606 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 3,364 passenger motor vehicles of which 2,299 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; [$1,866,832,000] *$1,972,807,000*, of which not to exceed $25,000,000 for automated data processing and telecommunications and $1,000,000 for undercover operations shall remain available until September 30, 1993; of which not to exceed $8,000,000 for research and development related to investigative activities shall remain available until expended; and of which not to exceed $500,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to terrorism and drug investigations; *and of which $48,000,000, to remain available until expended, shall only be available to defray expenses for the automation of the fingerprint identification services and related costs*: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; expenses for conducting drug education *and training* programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,054 passenger motor vehicles of which 730 are for replacement only for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; [$706,286,000 of which not to exceed $1,800,000 for research] *$740,667,000 of which not to exceed $1,800,000 for research, and of which not to exceed $1,500,000 for an A & E study for a Washington, D.C. area laboratory* shall remain available until expended; and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment, shall remain available until September 30, 1993; and, of which not to exceed $6,000,000 shall remain available until expended for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for a new aviation facility: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use (not to exceed 415, for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; [$947,041,000] *$959,517,000*, of which not to exceed $400,000 for research and $17,097,000 for construction shall remain available until expended; *and of which $312,473,000 shall be available to the Border Patrol program unless a notification required by section 606 of this Act is processed and acknowledged by the Committees on Appropriations of the House of Representatives and the Senate*: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 374 of which 122 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; [$1,637,299,000] *$1,612,635,000*: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official re-

ception and representation expenses: *Provided further*, That not to exceed $40,000,000 for the activation of new facilities shall remain available until September 30, 1993.

NATIONAL INSTITUTE OF CORRECTIONS

For carrying out the provisions of sections 4351–4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $10,221,000, to remain available until expended.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, **[**$415,090,000**]** *$452,090,000*, to remain available until expended, of which $3,497,000 shall be available for construction and renovation costs at the Immigration and Naturalization Service Processing Center at El Centro, California: *Provided*, That labor of United States Prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 606 of this Act: *Provided further*, That not to exceed $14,000,000 shall be available to construct areas for inmate work programs.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed **[**$3,248,000**]** *$3,297,000* of the funds of the corporation shall be available for its administrative expenses for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and such amount shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. A total of not to exceed **[**$31,000**]** *$45,000* from funds appropriated to the Department of Justice in this title shall be available only for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. (a) Subject to subsection (b) of this section, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980", shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

(b)(1) During fiscal year 1992 with respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c)),

(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1992, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Counsel for Intelligence Policy). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

(2) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(3) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(4)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1992—

(i) submit the results of such audit in writing to the Attorney General, and

(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

(I) the results,

(II) any civil claims, and

(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

(5) For purposes of paragraph (4)—

(A) the term "closed" refers to the earliest point in time at which—

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later.

(B) the term "employees" means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

(C) the terms "undercover investigative operations" and "undercover operation" mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

(i) in which—

(I) the gross receipts (excluding interest earned) exceed $50,000, or

(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Pursuant to the provisions of law set forth in 18 U.S.C. 3071–3077, not to exceed $100,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property.

SEC. 107. Deposits transferred from the Assets Forfeiture Fund to the Buildings and Facilities account of the Federal Prison System may be used for the construction of correctional institutions, and the construction and renovation of Immigration and Naturalization Service and United States Marshals Service detention facilities, and for the authorized purposes of the Support of United States Prisoners' Cooperative Agreement Program.

SEC. 108. Section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to delete the first word and insert the following: "Except for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, no".

SEC. 109. Section 504(a)(2) of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is further amended by striking "50 per centum;" and inserting in lieu thereof "75 per centum;"

SEC. 110. Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1992 or any prior fiscal year shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in paragraph (a)(2) of section 1821, 28 United States Code: Provided, That the one exception to the preceding prohibition is the fact witness fee decided in United States Supreme Court case No. 89–5916, Richard Demarest, Petitioner v. James Manspeaker et al, on January 8, 1991.

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, **[**$7,159,000**]** *$7,617,000*, of which $2,000,000 is for regional offices and $700,000 is for civil rights monitoring activities authorized by section 5 of Public Law 98–183: *Provided*, That not to exceed $20,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairman who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), and the Americans with Disabilities Act of 1990, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; not to exceed $25,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, and the Americans with Disabilities Act of 1990, **[**$209,875,000**]** *$210,271,000*: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For total obligations of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901–02); not to exceed $450,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed fourteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; **[**$67,929,000**]** *$126,309,000* of which not to exceed $300,000 of the foregoing amount shall remain available until September 30, 1993, for research and policy studies**[**; and of which not to exceed $1,000,000 shall be collected for work performed for agencies**]***: Provided, that none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a reexamination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in the Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 69 F.C.C. 2d 607 (Rev. Bd. 1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86–484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: Provided further, That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments (section 73.606 of title 47, Code of Federal Regulations): Provided further, That none of the funds appropriated by this Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules and the policies established to administer such rules of the Federal Communications Commission as set forth at section 73.3555(c) of title 47 of the Code of Federal Regulations.*

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 U.S.C. app. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–02; **[**$17,317,000**]** *$17,974,000*: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; **[**$78,892,000**]** *$83,000,000* of which an estimated **[**$10,000,000**]** *$13,000,000* shall be derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) so as to result in a final fiscal year 1992 appropriation of **[**$68,892,000**]** *$70,000,000*: *Provided*, That fees made available to the Federal Trade Commission shall remain available until expended**[**, but that any fees received in excess of $10,000,000 shall not be available for obligation until fiscal year 1993**]***: Provided further, That the funds appropriated in this paragraph are subject to the limitations and provisions of sections 10(a) and 10(c) (notwithstanding section 10(e)), 11(b), 18, and 20 of the Federal Trade Commission Improvements Act of 1980 (Public Law 96–252; 94 Stat. 374).*

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $157,485,000 of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities

Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings *hosted by the Commission* with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one-thirty-second of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation to recover costs of services of the securities registration process: Provided further, That such fees shall remain available until expended.*

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1988 (Public Law 100-690 (102 Stat. 4466-4467)), **[**$13,347,000**]** *$13,588,000*, to remain available until expended: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

This title may be cited as the "Department of Justice and Related Agencies Appropriations Act, 1992".

TITLE II—DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, **[**$173,942,000**]** *$188,950,000*, to remain available until expended, of which not to exceed $6,541,000 may be transferred to the "Working Capital Fund"; and of which not to exceed **[**$10,340,000**]** *$11,386,000* shall be available for construction of research facilities.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Regional Centers for the Transfer of Manufacturing Technology and the Advanced Technology and, *notwithstanding any other provision of law*, State Extension Services Programs of the National Institute of Standards and Technology, $63,713,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the construction, acquisition, or conversion of vessels, including related equipment, for the National Oceanic and Atmospheric Administration, $100,000,000, to remain available until expended: Provided, That none of the funds provided herein shall be available for obligation or expenditure in foreign shipyards.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; **[**439**]** *416* commissioned officers on the active list; as authorized by 31 U.S.C. 1343 and 1344; construction of facilities, including initial equipment as authorized by 33 U.S.C. 883i; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; **[**$1,381,550,000**]** *$1,544,569,000* to remain available until expended, of which **[**$542,000**]** *$600,000* shall be available for operational expenses *and cooperative agreements* at the Fish Farming Experimental Laboratory, Stuttgart, Arkansas **[**, and of which $394,000 shall be available only for a semi-tropical research facility located at Key Largo, Florida**]**; and in addition, **[**$34,858,000**]** *$35,389,000* shall be derived from the Airport and Airways Trust Fund as authorized by 49 U.S.C. App. 2205(d); and in addition, **[**$69,738,000**]** *$56,600,000* shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries"*: Provided, That grants to States pursuant to section 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000 and shall not be less than $500,000: Provided further, That in addition to the sums appropriated elsewhere in this paragraph, not to exceed $500,000 shall be available from the receipts deposited in the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" for grant management and related activities.* Of the amount appropriated under this heading in Public Law 101-515 and carried over into fiscal year 1992, $1,995,000 shall be available only for a grant for the construction of facilities for the Seafood Consumer Center, Incorporated, Astoria, Oregon.

EMERGENCY WEATHER SATELLITE CONTINGENCY FUND

For costs necessary to maintain National Oceanic and Atmospheric Administration geostationary meteorological satellite coverage for monitoring and prediction of hurricanes and severe storms, including but not limited to the procurement of gap filler satellites, launch vehicles, and payments to foreign governments, $110,000,000, to be deposited in an "Emergency Weather Satellite Contingency Fund," to remain available until expended: Provided, That these funds shall not be available for obligation until the President notifies the Appropriations Committees of the House of Representatives and Senate that an emergency requirement for these funds exists and the House and Senate vote to release these funds for emergency requirements.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 6209 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), $6,000,000 for projects and grants authorized by 16 U.S.C. 1455, 1455a, and 1455b, notwithstanding the provisions of 16 U.S.C. 1456a(b)(2).

FISHERIES PROMOTIONAL FUND

Of the funds deposited in the Fisheries Promotional Fund pursuant to section 209 of the Fish and Seafood Promotion Act of 1986, as amended, $250,000, to remain available until expended, shall be made available as authorized by said Act.

FISHING VESSEL AND GEAR DAMAGE FUND

For carrying out the provisions of section 3 of Public Law 95-376, not to exceed $1,281,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed $1,000,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed **[**$1,996,000**]** *$1,000,000*, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

[For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $1,400,000: *Provided*, That during fiscal year 1992 total commitments to guarantee loans shall not exceed $14,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,000,000 which may be transferred to and merged with Operations, Research, and Facilities.**]**

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, **[**$30,611,000**]** *$31,750,000*.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), **[**$14,913,000**]** *$15,333,000*.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, **[**$123,009,000**]** *$127,960,000*.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, **[**$172,357,000**]** *$145,000,000*, to remain available until expended.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, **[**$38,921,000**]** *$41,994,000*.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad without regard to the provisions of law set forth in 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition struc-

tures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $330,000 for official representation expenses abroad; and purchase of passenger motor vehicles for official use abroad not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles, rent tie lines and teletype equipment; [$194,875,000] *$203,814,000*, to remain available until expended, *of which $19,406,000 is for the Office of Textiles and Apparel, including $3,000,000 for a grant to the Tailored Clothing Technology Corporation and $12,500,000 for a grant to the National Textile Center University Research Consortium: Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities. Notwithstanding any other provision of law, upon the request of the Secretary of Commerce, the Secretary of State shall accord the diplomatic title of Minister-Counselor to the senior Commercial Officer assigned to any United States mission abroad: *Provided further*, That the number of Commercial Service officers accorded such diplomatic title at any time shall not exceed twelve: *Provided further, That funds shall be available to carry out export promotion programs notwithstanding the provisions of section 201 of Public Law 99–64.*

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $25,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; [$38,777,000] *$41,594,000*, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, [$40,880,000] *$41,578,000* of which [$24,941,000] *$25,321,000* shall remain available until expended: *Provided*, That not to exceed [$15,939,000] *$16,257,000* shall be available for program management for fiscal year 1992: *Provided further, That in awarding grants and contracts for the Minority Business Development Center program, the Secretary of Commerce shall give priority to contractors located within the State in which the contract is to be performed.*

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration including travel and tourism promotional activities abroad for travel to the United States and its possessions without regard to 44 U.S.C. 501, 3702 and 3703; and including employment of American citizens and aliens by contract for services abroad; rental of space abroad for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims in the manner authorized in the first paragraph of 28 U.S.C. 2672, when such claims arise in foreign countries; and not to exceed $15,000 for representation expenses abroad; [$15,249,000] *$18,546,000*, to remain available until expended: *Provided, That disaster grants to States or other eligible entities made available by Public Law 101–515 and in this appropriation shall not be subject to the local match requirements of 22 U.S.C. 2123: Provided further, That $2,000,000 shall be available to continue such grants or initiate new disaster grants to States or other eligible entities whose tourism promotion needs have increased due to natural disasters.*

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; [$91,887,000] *$88,441,000* of which [$90,340,000] *$86,894,000* shall be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, to remain available until expended.

TECHNOLOGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Technology Administration, [$4,318,000] *$4,437,000*.

INFORMATION PRODUCTS AND SERVICES

Notwithstanding sections 212 (a)(1)(B) and (a)(3) of Public Law 100–519, there may be credited to this account not to exceed $1,000,000 for modernization, including operating expenses.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, [$15,861,000] *$18,122,000*, to remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, [$22,428,000] *$32,428,000*, to remain available until expended as authorized by section 391 of said Act, as amended: *Provided*, That not to exceed $1,500,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended: *Provided further*, That notwithstanding the provisions of section 391 of the Communications Act of 1934, as amended, the prior year unobligated balances under this heading may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further, That notwithstanding the provisions of sections 391 and 392 of the Communications Act, as amended, not to exceed $400,000 appropriated in this paragraph shall be available for the Pan-Pacific Educational and Cultural Experiments by Satellite program (PEACESAT): Provided further, That $250,000 shall be available for the American Indian Higher Education Consortium for utilization of telecommunications technologies.*

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants and administrative expenses, $4,000,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

SALARIES AND EXPENSES

[For necessary expenses of administering the economic development assistance programs as provided for by law, $28,218,000.]

For necessary expenses of administering the economic development assistance programs as provided for by law, $27,632,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977. Notwithstanding any other provision of this Act or any other law, funds appropriated in this paragraph shall be used to fill and maintain forty-nine permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1992, of which no more than two positions shall be designated as National Economic Development Representatives: Provided further, That such positions shall be maintained within an organizational structure that provides at least one full-time EDR in each State to which a full-time EDR was assigned as of December 31, 1987.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants under the Trade Adjustment Assistance Program, as authorized by 19 U.S.C. 2024, and for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, the Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, $226,836,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That during fiscal year 1992, the Economic Development Administration shall not make any reduction in the individual grant amounts made to university centers in fiscal year 1991 except on the basis of failing to conform to the EDA grant agreements in place for fiscal year 1992 from the grant amounts made to such centers in fiscal year 1991: Provided further, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, any proceeds from the sale of property developed by Economic Development Administration Project Number 01–51–21118 shall be re-

tained by the grantee for other development purposes and/or projects: Provided further, That notwithstanding any other provision of law or regulation, including the Public Works and Economic Development Act of 1965, as amended, funds obligated or otherwise made available for Economic Development Administration Project Number 05-22-00014 shall remain available to complete the project.

ECONOMIC DEVELOPMENT GUARANTEED LOANS

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Public Works and Economic Development Act of 1965, as amended, $565,000. In addition, for administrative expenses to carry out the guaranteed loan program, $1,614,000 which may be transferred to and merged with the Salaries and Expenses account of the Economic Development Administration.

ECONOMIC DEVELOPMENT REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the Economic Development Revolving Fund, $42,500,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. (a) Funds appropriated by this Act to the National Institute of Standards and Technology of the Department of Commerce for the Advanced Technology Program shall be available for award to companies or to joint ventures under the terms and conditions set forth in subsection (b) of this section, in addition to any terms and conditions established by rules issued by the Secretary of Commerce.

(b)(1) A company shall be eligible to receive financial assistance from the Secretary of Commerce only if—

(A) the Secretary of Commerce finds that the company's participation in the Advanced Technology Program would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States; and agreement with respect to any technology arising from assistance provided by the Secretary of Commerce to promote the manufacture within the United States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

(B) either—

(i) the company is a United States-owned company; or

(ii) the Secretary of Commerce finds that the company has a parent company which is incorporated in a country which affords the United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those funded through the Advanced Technology Program; affords to United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

(2) The Secretary of Commerce may, 30 days after notice to Congress, suspend a company or joint venture from receiving continued assistance through the Advanced Technology Program if the Secretary of Commerce determines that the company, the country of incorporation of the parent company of a company, or the joint venture has failed to satisfy any of the criteria set forth in this subsection, and that it is in the national interest of the United States to do so.

(3) As used in this section, the term "United States-owned company" means a company that has a majority ownership or control by individuals who are citizens of the United States.

SEC. 206. The Secretary of Commerce shall designate an individual to serve as program manager for each National Oceanic and Atmospheric Administration acquisition program with a total acquisition cost exceeding $30,000,000: Provided, That each individual so designated shall report to the Director of the Systems Program Office: Provided further, That Congress shall be informed bi-annually of the individuals so designated pursuant to this section.

This title may be cited as the "Department of Commerce Appropriations Act, 1992".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve; $20,787,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), [$3,801,000] *$4,306,000*, of which $1,861,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, [$10,775,000] *$11,054,000*.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, [$9,432,000] *$10,495,000*.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the Claims Court, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, [$1,947,471,000] *$1,866,762,000* (including the purchase of firearms and ammunition); of which not to exceed [$68,245,000] *$40,648,000* shall remain available until expended for space alteration projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the Claims Court associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [$1,588,000] *$2,100,000* to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act of 1989.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), [$185,372,000] *$177,386,000*, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases

pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $70,000,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702); [$82,830,000] *$83,102,000*, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [$44,681,000] *$44,743,000*, of which not to exceed [$5,150] *$7,500* is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, [$18,795,000] *$21,626,000*, of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund as authorized by 28 U.S.C. 377(o), to the Judicial Survivors Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,000,000, and in addition, to the Claims Court Judges Retirement Fund, as authorized by 28 U.S.C. 178(1), $500,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [$8,865,000] *$9,000,000*.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Temporary Emergency Court of Appeals authorized by Public Law 92-210 and the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. (a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

SEC. 304. Section 121 of title 28, United States Code, is amended as follows:

(1) in the first sentence of paragraph (4) by striking out "Barnwell, and Hampton" and inserting in lieu thereof "and Barnwell"; and

(2) in the first sentence of paragraph (11) by inserting ", Hampton," before "and Jasper".

This title may be cited as "The Judiciary Appropriations Act, 1992".

TITLE IV—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $272,210,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, [$70,920,000, to remain available until expended: *Provided,*] *$75,000,000, to remain available until expended, of which not less than $8,872,000 shall be available only for payments to State maritime academies, and of which $2,000,000 shall be available for grants to State maritime academies to acquire maritime training simulators: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration for facility and ship maintenance, modernization and repair, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: Provided further,* That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

READY RESERVE FORCE

For necessary expenses to acquire and maintain a surge shipping capability in the National Defense Reserve Fleet in an advanced state of readiness and related programs, [$225,000,000] *$233,961,000*, to remain available until expended: *Provided*, That reimbursement may be made to the Operations and Training appropriation for expenses related to this program: *Provided further, That the funds appropriated under this heading shall be used only to acquire ships for the Ready Reserve Fleet of the Maritime Administration which were registered in the United States on or before January 1, 1991, or not more than three ships registered in Denmark which were made available to the United States for use during Operation Desert Shield/Desert Storm at no cost or at costs below market rates: Provided further, That any repair or modification of any ships acquired with funds appropriated under this heading may only be performed in shipyards in the United States.*

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

CHRISTOPHER COLUMBUS QUINCENTENARY JUBILEE COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Christopher Columbus Quincentenary Jubilee Commission as authorized by Public Law 98-375, $220,000, to remain available until December 31, 1993, as authorized by section 11(b) of said Act, as amended by section 8 of Public Law 100-94.

COMMISSION ON AGRICULTURAL WORKERS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Agricultural Workers as authorized by section 304 of Public Law 99-603 (100 Stat. 3431-3434), [$1,426,000] *$1,448,000*, to remain available until expended.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Commission on the Bicentennial of the United States Constitution as authorized by Public Law 98-101 (97 Stat. 719-723), [$1,882,000] *$1,911,000*, to remain available until expended: *Provided*, That in carrying out the purposes of this Act, the Commission is authorized to enter into contracts, grants, or cooperative agreements as directed by the Federal Grant and Cooperative Agreement Act of 1977 (92 Stat. 3; 31 U.S.C. 6301).

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, [$1,059,000,] *$1,075,000* to remain available until expended as authorized by section 3 of Public Law 99-7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council as authorized by Sec.

5209 of the Omnibus Trade and Competitiveness Act of 1988, $750,000, to remain available until expended.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, [$1,153,000] *$1,300,000*.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $300,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, [$21,077,000] *$19,400,000* of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $350,000,000 of which $297,860,000 is for basic field programs, $7,877,000 is for Native American programs, $10,879,000 is for migrant programs, $490,000 is for special emergency funds, $1,234,000 is for law school clinics, $1,121,000 is for supplemental field programs, $700,000 is for regional training centers, $8,109,000 is for national support, $9,298,000 is for State support, $970,000 is for the Clearinghouse, $573,000 is for computer assisted legal research regional centers, $9,810,000 is for Corporation management and administration, $981,000 is for board initiatives, and $98,000 is for special contingency funds.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 101-574, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, [$221,079,000, of which $61,500,000 is for grants for performance in fiscal year 1992 or fiscal year 1993 for Small Business Development Centers as authorized by section 21 of the Small Business Act, as amended] *$209,731,000, of which $3,100,000 shall be available for the Service Corps of Retired Executives (SCORE), of which $4,000,000 shall be made available for a grant to St. Norbert College in De Pere, Wisconsin, for a regional center for rural economic development, of which $1,000,000 shall be made available for a grant to the New Hampshire Department of Resources and Economic Development, of which $1,000,000 shall be made available for a grant to the New York City Public Library for a new Science, Industry and Business Library, and of which $500,000 shall be available for a grant to the University of Arkansas at Little Rock for a program to provide basic and high technology technical assistance to small and medium sized manufacturers located in rural areas*: *Provided*, That not more than $500,000 of this amount shall be available to pay the expenses of the National Small Business Development Center Advisory Board and to reimburse centers for participating in evaluations as provided in section 20(a) of such Act, and to maintain a clearinghouse as provided in section 21(g)(2) of such Act[: *Provided further*, That none of the funds appropriated or made available by this Act to the Small Business Administration shall be used to adopt, implement, or enforce any rule or regulation with respect to the Small Business Development Center program authorized by section 21 of the Small Business Act, as amended (15 U.S.C. 648), nor may any of such funds be used to impose any restrictions, conditions or limitations on such program whether by standard operating procedure, audit guidelines or otherwise, unless such restrictions, conditions or limitations were in effect on October 1, 1987]: *Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased loan guaranty fee or debenture guaranty fee, *except as otherwise provided in this Act: Provided further*, That none of the funds appropriated for the Small Business Administration under this Act may be used to impose any new or increased user fee or management assistance fee *absent the submission of a reprogramming notification pursuant to section 606 of this Act*. In addition, nothing herein shall preclude the Small Business Administration from preparing or formulating, but not publishing in the Federal Register, proposed rules, nor shall anything herein apply to uniform common rules applicable to multiple Federal departments and agencies, including the Small Business Administration; nor may any of the funds provided in this paragraph restrict in any way the right of association of participants in such program.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11 as amended by Public Law 100-504), [$9,757,000] *$11,000,000*.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct and guaranteed loans authorized by 15 U.S.C. 631 note as follows: cost of direct loans, $24,563,000, and cost of guarantees, $245,786,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $69,935,000[, and total loan principal any part of which is to be guaranteed of $4,819,000,000]: *Provided further, That, in addition, $1,800,000 are available until expended for the subsidy cost of $15,000,000 in direct loans for the Small Business Administration Micro-Loan program.*

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $104,410,000, of which not to exceed $104,410,000 may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

DISASTER LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of direct loans authorized by 15 U.S.C. 631 note, [$114,913,000] *$121,555,000, to remain available until expended*: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of [$344,750,000] *$365,000,000*.

In addition, for administrative expenses necessary to carry out the direct loan program, [$76,830,000] *$78,000,000*, of which not to exceed [$76,830,000] *$78,000,000* may be transferred to and merged with the appropriations for Salaries and Expenses to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, [$14,381,000,] *$14,600,000* to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

[POLLUTION CONTROL EQUIPMENT CONTRACT GUARANTEE REVOLVING FUND

[For additional capital for the "Pollution control equipment contract guarantee revolving fund" authorized by the Small Business Investment Act, as amended, $8,400,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.]

TITLE V—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including obligations of the United States abroad pursuant to treaties, international agreements, and binational contracts and expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669); representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674, [$2,021,835,000: *Provided*, That not to exceed $500,000 shall be available either directly or indirectly for the Office of Congressional Relations, any successor organization, or any other organization in the Department of State to carry out the same or similar functions as the office carried out during fiscal year 1991] *$2,007,246,000, of which $20,853,000 shall be available only for the Bureau of Oceans and International Environmental and Scientific Affairs including $10,000,000 for grants, contracts and other activities to conduct research and promote international cooperation; and in addition $8,000,000 shall be derived by transfer from "Acquisition and Maintenance of Buildings Abroad"*; and in addition not to exceed [$523,000] *$700,000* in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956 (section 118 of Public Law 101-246), and in addition not to exceed $1,013,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90-553, as amended by section 120 of Public Law 101-246), and in addition not to exceed $15,000 shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (section 119 of Public Law 101-246): *Provided further, That up to $6,000,000 of the funds appropriated by this paragraph may be transferred to the Working Capital Fund for the purpose of providing payment of medical expenses.*

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $23,037,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,802,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and to provide for the protection of foreign missions in accordance with the provisions of 3 U.S.C. 208, [$9,464,000] *$11,464,000.*

MOSCOW EMBASSY RECONSTRUCTION AND SECURITY

For the cost of deconstruction of the partially constructed new chancery of the United States Embassy in Moscow to the basement level and reconstruction of the new chancery on the same site and for the procurement of equipment and other services necessary to provide for a secure chancery free of Soviet intelligence penetration, $130,000,000, to remain available until expended: Provided, That the Secretary of State shall seek reimbursement from the Soviet Union of the full costs incurred by the United States as a result of the intelligence activities of the Soviet Union directed at the new United States Embassy in Moscow.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851) [$552,594,000, of which $130,000,000 is available for construction of chancery facilities in Moscow, U.S.S.R.] *$430,000,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), [$7,000,000] *$8,000,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans as authorized by 22 U.S.C. 2671 as follows: Cost of direct loans, $74,000 [: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $223,000]. In addition, for administrative expenses necessary to carry out the direct loan program, $145,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), [$13,334,000] *$13,784,000.*

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $112,983,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress [$866,774,000] *$842,384,000*, of which not to exceed [$117,109,000] *$92,719,000* is available to pay arrearages, the payment of which shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further, That funds for arrearage payments shall be available to the United Nations and to each specialized agency only upon certification by the Secretary of State to the appropriate committees of the Congress that progress is being made in increasing the number of American citizens in professional staff positions or that the number of American citizens in professional staff positions conforms with geographic distribution formulas in effect on January 1, 1991: Provided further, That the preceding proviso shall apply only to the United Nations and to each specialized agency which had a geographic distribution formula in effect for professional staff on January 1, 1991.*

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of the United Nations peacekeeping forces, as authorized by law, [$108,856,000] *$107,229,000* of which not to exceed [$39,987,000] *$38,360,000* is available to pay arrearages.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $5,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, [$11,400,000] *$10,900,000.*

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, [$10,277,000] *$10,525,000*, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, including not to exceed $9,000 for representation expenses incurred by the International Joint Commission, $4,500,000; for the International Joint Commission and the International Boundary Commission, as authorized by treaties between the United States and Canada or Great Britain.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, [$12,647,000] *$14,758,000*: *Provided*, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

UNITED STATES BILATERAL SCIENCE AND TECHNOLOGY AGREEMENTS

For necessary expenses, not otherwise provided, for Bilateral Science and Technology Agreements, as authorized by section 403 of Public Law 101–179 and section 105 of Public Law 101–246, $4,500,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $16,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

[SOVIET-EAST EUROPEAN RESEARCH AND TRAINING

[For expenses, not otherwise provided for, to enable the Secretary of State to carry out the provisions of title VIII of Public Law 98–164, $4,784,000.]

FISHERMEN'S PROTECTIVE FUND

For expenses necessary to carry out the provisions of the Fishermen's Protective Act of 1967, as amended, $250,000.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 501. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 502. None of the funds made available by this Act may be obligated or expended by the Department of State for contracts with any foreign or United States firm that complies with the Arab League Boycott of the State of Israel or with any foreign or United States firm that discriminates in the award of subcontracts on the basis of religion.

SEC. 503. None of the funds provided in this Act shall be used by the Department of State to issue any passport that is designated for travel only to Israel, and 90 days after the enactment of this Act, none of the funds provided in this Act shall be used by the Department of State to issue more than one official or diplomatic passport to any United States Government employee traveling to the Middle East.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for arms control and disarmament activities, including not to exceed $100,000 for official reception and representation expenses, authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), [$43,527,000] *$44,423,000, of which $2,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad".*

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe/Radio Liberty, Incorporated as authorized by the Board for International Broadcasting Act of 1973, as amended (22 U.S.C. 2871–2883), [$212,491,000] *$217,960,000* of which not to exceed $52,000 may be made available for official reception and representation expenses.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, [$200,000] *$50,000* as authorized by Public Law 99–83, section 1303.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, [$42,934,000] *$41,934,000.*

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,250,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriatfon), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); [$681,051,000] *$692,275,000; and in addition $4,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad": Provided,* That not to exceed $1,235,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further,* That not to exceed $3,500,000 of the amounts allocated by the United States Information Agency to carry out section 102(a)(3) of the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2452(a)(3)), shall remain available until expended: *Provided further,* That not to exceed $500,000 shall remain available until expended as authorized by 22 U.S.C. 1477b(a), for expenses and equipment necessary for maintenance and operation of data processing and administrative services as authorized by 31 U.S.C. 1535–1536: *Provided further,* That not to exceed $7,615,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, television, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further, That up to $1,250,000 shall be available for the operation of International Literary Centre, Ltd., or a non-profit successor organization, as appropriate.*

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 3), and in accordance with the provisions of 31 U.S.C. 1105(a)(25), $4,206,000.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of Fulbright, International Visitor, Humphrey Fellowship, Citizen Exchange, and Congress-Bundestag Exchange Programs, as authorized by the Mutual Educational and Cultural Exchange Act, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), [$178,000,000] *$186,163,000,* to remain available until expended as authorized by 22 U.S.C. 2455[, of which: (a) $1,000,000 shall be available for the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation; (b) $2,000,000 shall be available for cultural and exchange related activities associated with the 1993 World University Games in Buffalo, New York; and (c) $2,000,000 shall be available only for the expenses of Soviet-American interparliamentary meetings and visits in the United States approved by the joint leadership of the Congress after an opportunity for appropriate consultation with the Secretary of State and the Director of the United States Information Agenc].

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

PAYMENT TO THE EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For payment to the Eisenhower Exchange Fellowship Program Trust Fund to provide for a permanent endowment for the Eisenhower Exchange Fellowship Program, $5,000,000 as authorized by section 5 of the Eisenhower Exchange Fellowship Act of 1990 (Public Law 101–454).

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio transmission and reception as authorized by 22 U.S.C. 1471, $98,043,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a); *and in addition $10,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad".*

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended (22 U.S.C. 1465 et seq.) (providing for the Radio Marti Program or Cuba Service of the Voice of America), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.) including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, [$33,288,000] *$38,988,000,* to remain available until expended as authorized by 22 U.S.C. 1477b(a): *Provided,* That such funds for television broadcasting to Cuba may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, [$23,920,000] *$26,000,000: Provided,* That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the rate authorized for GS–18 of the Classification Act of 1949, as amended.

[NORTH/SOUTH CENTER

[To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 as authorized by section 209 of H.R. 1415 as passed the House of Representatives on May 15, 1991, by grant to an educational institution in Florida known as the North/South Center, $10,000,000 to remain available until expended.]

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1992".

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 606. (a) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 per centum, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 per centum funding for any existing program, project, or activity, or numbers of personnel by 10 per centum as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress, unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

[SEC. 607. None of the funds appropriated in this Act shall be used to implement the provisions of Public Law 101–576.]

SEC. 607. Funds appropriated to the Legal Services Corporation and distributed to each grantee funded in fiscal year 1992 pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area shall be distributed in the following order:

(1) grants from the Legal Services Corporation and contracts entered into with the Legal Services Corporation under section 1006(a)(1) shall be maintained in fiscal year 1992 at not less than $9.79 per poor person within the geographical area of each grantee or contractor under the 1980 census or 9 cents per poor person more than the annual per-poor-person level at which funding was appropriated for each grantee and contractor in Public Law 101–515, whichever is greater; and

(2) each such grantee shall be increased by an equal percentage of the amount by which such grantee's funding, including the increase under (1) above, falls below $18.39 per poor person within its geographical area under the 1980 census:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended for any purpose prohibited or limited by or contrary to any of the provisions of Public Law 101–515, and that, except for the funding formula, all funds appropriated for the Legal Services Corporation shall be subject to the same terms and conditions set forth in Public Law 101–515: Provided further, That for the purposes of the previous proviso, all references to "1991" in Public Law 101–515 shall be deemed to be "1992".

SEC. 608. Section 207(f) of title 18, United States Code, as amended by section 101 of the Ethics Reform Act of 1989 (103 Stat. 1722), is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting immediately after paragraph (1) the following new paragraph:

"(2) SPECIAL RULE FOR TRADE REPRESENTATIVE.—With respect to a person who is the United States Trade Representative, the restrictions described in paragraph (1) shall apply to representing, aiding, or advising foreign entities within 5 years after the termination of that person's service as the United States Trade Representative.".

SEC. 609. (a) No funds provided by this Act may be used to reinstate or approve any export license applications for the launch of United States-built satellites on Chinese-built launch vehicles unless the President waives such prohibition under subsection (b) of this section. The term export license applications also includes requests for approval of technical assistance agreements or services that would serve to facilitate launch of such satellites.

(b) The restriction on the approval of export licenses for United States-built satellites to the People's Republic of China for launch on Chinese-built launch vehicles contained in subsection (a) may be waived by the President on a case-by-case basis upon certification by the United States Trade Representative that the People's Republic of China is, with regard to the respective satellite, components, or technology related thereto for which the export license request is pending, in full compliance with the Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services.

SEC. 610. (a) Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1) is amended by striking "except separate trust certificates shall be issued for loans approved under section 7(a)(13)" and inserting in lieu thereof the following: "or under section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 660).".

(b) Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18) is amended by striking "or a loan under paragraph (13)" from the first sentence.

(c) Section 215(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1990 (Public Law 101–574) is amended by striking "July 1, 1991" and inserting in lieu thereof "July 1, 1992."

(d) Section 21A of the Small Business Act (15 U.S.C. 648a) is amended by striking subparagraph (c) and inserting the following in lieu thereof:

"Any statewide education based institution or consortium funded by the Administration as a Small Business Development Center may apply for a grant to be used to—

"(1) increase access by small businesses in its service area to on-line databases for the purpose of facilitating technology transfer, such as that created by subparagraph (a) of this Act or other privately or publicly funded databases;

"(2) develop systems and processes to assist the federal laboratories, public and private universities, and other public and private institutions in the transfer and commercialization of technologies developed by these organizations;

"(3) assist firms in analysis of opportunities represented by technologies developed by the federal laboratories, public and private universities, and other public and private institutions or contained in the databases;

"(4) assist in the continuing development required to bring identified technologies to commercialization;

"(5) assist with the required business planning, market research, and financial packaging required for commercialization;

"(6) link the firms assisted with potential sources of financing for product development and commericalization; and

"(7) assist in licensing and other issues associated with commercialization.".

(e) Public Law 101–574 is amended by striking section 232 thereof.

(f) Section 7(b) of the Small Business Computer Security and Education Act of 1984 (15 U.S.C. 633 Note) is amended by striking the first sentence thereof.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1992".

Mr. HOLLINGS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I am pleased to present the Senate with the fiscal year 1992 State, Justice, and Commerce appropriations bill.

The bill recommended by the Appropriations Committee, provides for $21.2 billion in discretionary budget authority and $20.8 billion in discretionary outlays. This bill is at the 602(b) allocations available to us for both budget authority and outlays under the committee's allocations. I will include a table with this statement that compares our recommendations with the 602(b) allocations by function.

This has been a tough year, and it has been quite difficult for the committee to fashion a bill that can live within the tight 602(b) allocation. It has been made even more difficult by the constraints placed on us by the Budget Enforcement and Credit Reform Acts passed last year.

Under this new agreement, this bill essentially has been divided into three distinct and separate appropriations bills. If we find a wasteful expenditure in an international affairs agency, like the State Department, we cannot use these resources to fund a high priority domestic agency like the Drug Enforcement Administration. This is not right, but it is the way the game must be played under the new budget agreement.

The committee's recommended State, Justice, and Commerce bill seeks to address several priorities:

First, we have sought to continue the growth in law enforcement and the war on drugs. Our bill provides about $9.5 billion for the Justice Department, or a 12-percent increase over this year. Included are the following specific initiatives: $740.7 million to fully fund the Drug Enforcement Administration, the lead agency in the war on drugs; a $280 million increase for the FBI, or 17 percent over this year; $498 million for State and local drug grants, or $6 million above this year.

Funding for the Bureau of Prisons for an increase of 9,140 inmates in 1992, for a total Federal prison population of 71,590. The recommendation provides for the activation of new prison facilities that come on line in 1992; $265 million, an increase of $15 million for investigations and prosecutions of savings and loan fraud; $329 million to cover adjustments to base to cover the costs of Federal employee pay reform, including special law enforcement pay reforms, enacted last year.

Second, the committee places a priority in investing in NOAA and NOAA's infrastructure. We have restored or enhanced many of the research, coastal, and fisheries programs, as in past years. We also recommend $410 million for weather satellites—$110 million more than the administration's request and $151 million above the House allowance. We have created a special emergency account to deal with the loss of geostationary weather satellite coverage. The GOES satellite is absolutely essential to the prediction and monitoring of hurricanes and tornadoes; $100 million is recommended for a new initiative to rebuild and modernize the NOAA fleet. A lot of Members asked us to include fishery and research enhancements, but by the end of this decade NOAA will not be able to carry out these programs if we do not do something about the ships that perform this work. The average age of the NOAA fleet is 28 years and we have only built one new ship in the past 23 years.

Third, the committee recommendation continues to invest in trade and competitiveness initiatives. The International Trade Administration is funded at $204 million; $18.5 million is provided to more than fully fund the U.S. Tourism and Travel Administration, including new initiatives to attract more visitors from the Far East.

Most importantly, we have provided $253 million for the National Institute of Standards and Technology for Intramural and External Research this is 17 percent above 1991 levels; $12.5 million is included to fund the National Textile Center University Research Consortium. This is an innovative collaboration by Georgia Tech, Auburn, Clemson, and North Carolina State University to reinvigorate research into textile and apparels to enable this industry, which employs 10 percent of America's manufacturing work force, to continue to compete with subsidized foreign competition.

Fourth, we have restored funding for the Economic Development Administration at $227 million. The House and budget proposed to terminate this agency; $7.7 million is included for the EDA University Center Program, $3 million above this year; $19.4 million for rural economic development planning districts, an increase of $3.9 million over this year. And we have used $214.9 million in BA and $183.7 million in outlays to restore SBA loans and loan guarantees which were proposed for severe reduction by the administration's budget request.

Fifth, we have included over $2.3 billion for the judiciary or a 14-percent increase over 1991—higher than the increase provided any other law enforcement agency except the FBI. We have provided the requested workload increases for magistrates and bankruptcy judges, new court/clerk personnel, probation/pretrial personnel and savings and loan cases.

Sixth, within the international affairs budget, we have placed a priority on the information agencies that did not fare as well as the State Department in the President's budget and which were cut in the House allowances; $218 million for Radio Free Europe/Radio Liberty, $5.5 million above the House allowance; $804 million for USIA and Voice of America operations and construction. This is $25 million above the House allowance, or which $10 million is specifically for addressing the backlog of Voice of America repair and maintenance; $30 million for the National Endowment for Democracy, which was zeroed out by the House; $38.9 million for the Radio and T.V. Marti to get uncensored information to Cubans living under Castro's regime, this is $5.7 million above the House allowance; $186 million for international exchanges including $115 million for the Fulbright Scholarship Program that was cut by the budget and the House allowance.

Seventh, we have provided $130 million for the total demolition and rebuilding of the U.S. Embassy in Moscow. Jim Baker may want our folks in Moscow to work in a building filled with Soviet listening devices, but we are simply not going to allow that.

Eighth, we would be remiss if we did not note some of the tough recommendations in this bill to reduce funding. No one has ever thanked a Senator for making a cut, but under this budget environment reductions must be made to fund priority programs. The committee has recommended reductions whenever efficiencies can be achieved or when through an exacting review of use of existing appropriations, the committee uncovered poor execution of prior year funding. We have recommended reductions where we identified low priority, redundant, or unnecessary programs. Such adjustments include:

STATE DEPARTMENT

First, $12.2 million in pay raise increases for foreign national employees of the State Department. These employees are provided pay raises at rates in excess of U.S. citizen employees. The State Department only surveys the highest paid foreign firms at overseas location, excludes the amounts paid by foreign governments to their employees.

Second, $30 million for the Department of State Telecommunications Network [DOSTN]. There is no reason to proceed with this system at this time. The Government already owns equipment that should serve this requirement.

COMMERCE DEPARTMENT

Third, $30 million in savings related to the Census operations shutting down sooner than anticipated in the budget and execution way behind schedule in fiscal year 1991. The Census Bureau is currently $40 million behind schedule in using funds provided last year, $10 million of which is related to procurement delays.

Fourth, a rescission of $42.5 million in excess unobligated balances from loan repayments.

Fifth, $53.4 million from poor execution of prior appropriations for system acquisitions at the Commerce Department.

JUDICIARY

Sixth, $32 million in "plugs" put in the budget request for overstated postage costs, special geographic pay increases for cities not included under the law, and new furniture.

RELATED AGENCIES

Seventh, $1 million for the International Trade Commission. ITC annually does not use the funds provided.

Eighth, $1 million for the U.S. Trade Representative for overfunding in 1991. The USTR admitted during our hearing that they received no-year appropriations of $1.5 million for payments to the Department of Commerce for which they only actually require $500,000. Now that we have identified these resources, she wants to use them.

The committee recommendation includes bill language to address some of the management shortfalls identified in NOAA's Satellite programs, the Arab-League boycott of Israel, the issuance of Arab-only passports, and use of People's Republic of China expendable launch vehicles.

Within our allocation, we have worked hard to accommodate the requests of the Members of the Senate and members of the public who have come forward to tell us of their concerns. We have not been able to address all of Senators' requests, but we have tried to be responsive.

Finally, let me thank my vice chairman, Senator RUDMAN. This is the eighth appropriations bill that we have brought to the Senate floor together.

Madam President, the Appropriations Committee is often noted for its bipartisanship. No where is this more true than on our State, Justice, and Commerce Appropriations Subcommittee. This fiscal year 1992 appropriations bill has been developed as a joint, cooperative effort, between Senator RUDMAN and I and our professional staffs. Together we reviewed every request, every increase and every reduction. His

tireless efforts on behalf of the State, Justice, and Commerce Appropriations Subcommittee whether at hearings, at 602(b) allocation meetings, or at meetings with agency heads are greatly appreciated.

ACKNOWLEDGMENT OF STAFF

Madam President, I would like to thank the committee staff who put in many days and nights in drafting this bill and report; our majority staff, Liz Blevins, Dorothy Seder, and Scott Gudes, and our minority staff, Rachel Sotsky and John Shank. These individuals put in tireless hours on our hearings, the multiple supplemental appropriations we have had this year and this fiscal year 1992 appropriations bill. I also would like to thank the full committee support staff or better known our numbers central shop that assisted in the development of this bill—Jack Conway, Bob Putnam, and Jodi Capps.

While all these staff members deserve sincere thanks from Senator RUDMAN and I, one individual truly deserves special recognition.

Madam President, as a matter of pride, the members of the Appropriations Committee refer to our committee staff as professional staff. This term acknowledges the professional training and expertise of these individuals. For no staff member is this term more deserving than for our subcommittee's minority clerk, John Shank.

John has been with the Appropriations Committee—and the State, Justice, and Commerce Subcommittee—since 1982 when Senator MARK HATFIELD brought him over from private industry. I first met John when I was the ranking minority member and former Senator Weicker served as chairman.

I have come to know John Shank as a dedicated professional who carries out his responsibilities in a bipartisan fashion. He serves the committee members without regard to their party affiliation. In fact, just a year ago, my subcommittee clerk, Warren Kane, retired and I was unable to bring on a clerk before our bill went to conference and final passage. During that period, Senator RUDMAN offered his assistance, and John Shank sat next to this desk and served as my acting subcommittee clerk.

Madam President, John Shank goes beyond his specific duties as minority clerk. He sincerely cares about the agencies and programs that are within the subcommittee's jurisdiction, and he works hard to see that the funding they receive is well spent. He is honest and forthright, and Senator RUDMAN and I know we always can count on him to provide us with the good government recommendation on issues. He is the type of staff member who understands both the big picture as well as the minute detail that is required of complete staff work. To him the technical accuracy of the committee bill and report are a matter of personal pride.

Madam President, the executive branch has many programs to recognize its employees, but in the Senate we do not. I think it is a shame that in the Senate we do not take time to recognize excellence and say thanks to the people who serve us and the institution so well. And it is my intention, on behalf of the 11 members of the State, Justice, and Commerce Appropriations Subcommittee, to simply acknowledge John Shank for a job well done.

Madam President, it has been a real pleasure and privilege to work with Senator RUDMAN, with his understanding, his counsel, and his leadership in this regard on the committee that he headed up himself as chairman. I want to thank him because I know he has other duties to which he must attend.

The bill recommended by the Appropriations Committee provides $21.2 billion in budget authority, $24.8 billion in outlays, and it is within the 602(b) allocation. The committee recommended and State justice bill seeks several priorities. First, the great law enforcement war on drugs; that is, $9.5 billion, or a 12-percent increases there; $740.7 million for the DEA; $280 million for the FBI, or a 17-percent increase there; $498 million for State and local drug grants, or a $6 million increase above this year; then funding for the Bureau of Prisons, allowing an additional 9,140 inmates, for a total prison population of 71,590.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Madam President, the recommendations before the Senate today represent the results of months of review and hearings. As usual the Senator from South Carolina has been a cooperative, nonpartisan chairman; he has more than adequately reflected the priorities and desires of his colleagues on both sides of the aisle.

I will not go over the recommendations in detail, but I do want to draw attention to the fact that this bill provides an increase of almost $1 billion over the 1991 enacted level for the Department of Justice. That is an increase of 11.6 percent—commensurate with increases given to the Defense Department in the early 1980's. Within that amount, programs of the Drug Enforcement Administration will be fully funded. The Bureau of Prisons will receive an increase of $333 million, 19.1 percent over the 1991 level. The Federal Bureau of Investigation, while not fully funded, is provided an increase of $280 million, or 16.5 percent.

The Federal judiciary would receive an increase of $290 million, or 12.6 percent. Other than the enhancements for the FBI and the prison system, this is the largest increase in budget authority and outlays for any organization associated with the administration of justice.

The actions taken by the committee in approving our section 602(b) allocation, and the recommendations contained in this bill, are a recognition of the fact that both the administration and the Congress are determined to provide increased resources for the war against crime and drugs. Having said that, the Justice Department and the judiciary will not be satisifed; but there is no way to fully fund their requests and at the same time maintain programs in the National Oceanic and Atmospheric Administration, the Economic Development Administration, and the Small Business Administration that are supported by the Congress. As it is, almost 79 percent of the new domestic discretionary outlays associated with this recommendation are generated by the Justice Department and the judiciary.

This legislation also addresses several other issues of importance. Senator HOLLINGS and I are recommending the establishment of a satellite contingency fund to allow the administration to purchase a spare weather satellite. The new weather satellites being built for the National Oceanic and Atmospheric Administration by NASA and the Loral Corp. are far behind schedule and considerably over budget. There is the real possibility this Nation could face the loss of the single geostationary weather satellite now in operation and not have a new satellite ready for launch. The contingency fund is designed to allow NOAA to buy an off the shelf satellite if it becomes necessary to protect the public health and safety.

As requested by the administration, the appropriations for international organizations includes 20 percent of the arrearage payments due to the United Nations and various other organizations. However, payment of the arrearages is dependent upon a certification that progress is being made in the employment of American professionals by these organizations.

Madam President, once again, let me thank my colleague from South Carolina for his leadership and cooperation in developing these recommendations. I know of very few amendments to this bill, and I would hope that anyone who has an amendment can come to the floor so we can wrap this up fairly quickly.

Madam President, let me simply state that some of the great needs that we have continued to meet are the Federal Bureau of Investigation, the Drug Enforcement Administration, Justice Department, and the Bureau of Prisons.

I think another significant thing in this bill is the rather innovative approach to what we are going to do about weather satellites. Senator HOL-

LINGS and I have worked that out, as he stated, and we have at least the assurance that if the current program falls behind schedule, as it has, we will still have sufficient funds and a contingency here to put up another satellite, which will be very important for the life and safety of the people of our country.

Madam President, I advise the chairman that I am told that Senator GRAMM of Texas will be on the floor within a very few moments to offer an amendment, on which we can have a fairly short time agreement. I apologize to the chairman. He knows well that I have a matter of Senate business here at 5 o'clock, which, unfortunately, I must attend for several hours. I understand that the ranking member of the committee, Senator HATFIELD, will be here sometime around 5 o'clock to assist the chairman with the bill.

I yield the floor.

Mr. HOLLINGS. There is some housekeeping we can do, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, with the exception of the committee amendments on page 84, lines 3 through 6, page 85, on line 25, and the amendment on page 9, lines 2 through 5, and the amendment on page 39, lines 14 and 15, I ask unanimous consent that the committee amendments to H.R. 2608 be considered and agreed to en bloc and be considered original text for the purpose of further amendments, and to provide that no point of order be waived by virtue of this agreement. That has been checked on both sides. We were momentarily informed there were amendments in two sections. We can exempt those so the Members can offer those.

I further ask unanimous consent that the committee amendments on page 84, lines 3 through 6, and on page 85, line 25 be considered tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to en bloc, with the exception of the amendment on page 9, lines 2 through 5; and the amendment on page 39, lines 14 and 15.

AMENDMENT NO. 929

Mr. HOLLINGS. Madam President, I ask that the pending committee amendment be temporarily set aside, and I send an amendment to the desk for myself and Senator RUDMAN. It has been cleared on both sides, and it makes five minor technical corrections. I also send to the desk a list of several technical corrections to the committee report accompanying H.R. 2608 and ask that these corrections appear in the RECORD. I send that to the desk and ask that the Clerk report.

The PRESIDING OFFICER. Without objection. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 929.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 34, line 18, "that" is amended to read "That".

On page 77, line 10, strike "further".

On page 90, line 4, in-between the head "Radio Construction" and "For" insert

"(INCLUDING TRANSFER OF FUNDS)"

On page 98, line 24, "commericalization" is amended to read "commercialization".

On page 65, line 17 strike "payments to" and insert "the";

On page 65, line 18 strike "academies" and insert "academy programs";

On page 65, line 19 strike "grants" and insert "payments";

On page 49, line 4 strike the word "natural"

There being no objection, the technical corrections were ordered to be printed in the RECORD, as follows:

Page 36: The Committee recommendation regarding the Equal Employment Opportunity Commission should read "$210,271,000" instead of "$126,309,000".

Page 47: The NOAA table should read "coastal zone management" not "canal zone management."

Page 53: The line on the NOAA table "system delays/execution" should read "–53,418" instead of "–47,000."

Page 70: The table should record the budget estimate for General Administration as "33,207,000" instead of "33,027,000".

Page 80: The table should note urban planning assistance is recommended at "2,636" instead of "2,958."

Page 94: The report should note that the prohibition on the USTR representing foreign governments under section 608 is for "five" instead of "two" years.

Page 100: The report should note that for the total Disaster Loans Program Account, including administrative expenses, the recommendation is "$7,812,000" above the House Allowance, instead of "$6,642,000".

Page 115: The table for the Arms Control and Disarmament Agency should note that House allowance for ACDA is $43,527,000 and the Committee recommendation is $896,000 above the House allowance.

Mr. RUDMAN. Madam President, the amendment has been cleared on this side.

Mr. HOLLINGS. Good.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 929) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set-aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 930

(Purpose: To realign funding to meet several high priority Commerce and Justice programs)

Mr. HOLLINGS. Madam President, I send an amendment to the desk for myself and Senator RUDMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. RUDMAN, proposes an amendment numbered 930.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 18, strike "$959,517,000" and insert "$950,817,000".

On page 6, line 4, strike "$112,642,000" and insert "$114,142,000".

On page 40, line 9, after the semicolon insert: "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

On page 40, line 11, strike "$1,544,569,000" and insert "$1,550,769,000".

On page 49, line 20, strike "$4,437,000" and insert "$4,937,000".

On page 68, after line 22, insert:

"COMMISSION ON LEGAL IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Legal Immigration Reform as authorized by section 141 of Public Law 101–469, $500,000, to be available until expended."

On page 90, line 2, strike the period at the end of the line and insert: ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a).".

Mr. HOLLINGS. Madam President, it is an amendment that realigns the $8.7 million within the accounts of the bill. It has been cleared on both sides.

Mr. RUDMAN. Madam President, I join my colleague from South Carolina in cosponsoring this amendment to provide adjustments to several appropriations accounts in the bill. This amendment corrects a funding error in the appropriation for the Immigration and Naturalization Service. It also addresses several areas of interest in the INS budget brought to our attention by the Immigration Subcommittee of the Judiciary Committee.

First, the amendment provides $1.5 million for 10 new immigration judges; second, it funds the Commission on Legal Immigration Reform. Both of these items were authorized in last year's immigration act and have been requested by Senators KENNEDY and SIMPSON.

The amendment also fully funds the program needs associated with a new network of National Oceanic and Atmospheric Administration wind pro-

filer radars in the Midwest. This pilot program is the precursor to a nationwide system of wind profilers, but would be terminated under the budget request and the House allowance. Senators DOLE and NICKLES, among others, have expressed support for the maintenance of efforts to modernize the National Weather Service. Acceptance of this amendment will allow NOAA to improve public safety in Kansas, Oklahoma, and other States in the Midwest.

This amendment also makes a technical correction to the funding provided for the Eisenhower Exchange Fellowship Program of the U.S. Information Agency. An authorization bill to create an endowment for this program was enacted during the last Congress due to the efforts of the Republican leader, the Senator from Kansas. Funding for the endowment is included in this bill, but without additional language the earnings and interest from the endowment cannot be used for exchange purposes.

Finally, the amendment would enable the National Oceanic and Atmospheric Administration to enter into reimbursible agreements with nonprofit institutions. The Fish and Wildlife Service already has such authority, and the inclusion of bill language for NOAA will allow it to leverage its activities in many areas, including research on Atlantic salmon in New England and the North Atlantic.

Madam President, the amendment has been cleared on this side, and I urge its acceptance.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 930) was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 931

(Purpose: To make available $1,000,000 to the National Judicial College)

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of myself, Senator REID, and Senator HEFLIN. It also has been cleared on both sides. It makes $1 million available to the National Judicial College, judicial education and training, and State trial judges within limited and general jurisidiction of the illegal drug and violent criminal offenses be provided for.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. REID, and Mr. HEFLIN proposes an amendment numbered 931.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

THE NATIONAL JUDICIAL COLLEGE

Mr. HEFLIN. Madam President, I rise today in support of a committee amendment which will provide funding in the amount of $1 million for the National Judicial College.

Founded as an activity of the American Bar Association in 1963, the National Judicial College, a nonprofit educational corporation, has been located on the campus of the University of Nevada, Reno, since 1965. The faculty consists of more than 150 active judges, justices, and law professors who volunteer their time and talents. A law library of more than 60,000 volumes is available to the faculty and participants.

The National Judicial College has grown to become a nationally and internationally known institution, annually offering a variety of courses to more than 1,500 judges and other court officials representing every State and jurisdictional level. Its alumni include more than 21,000 State trial judges, special court judges and magistrates, Federal and appellate judges, administrative law, military, and tribal court judges, and a wide variety of court personnel. I might add that the National Judicial College sponsors the Nation's only advanced degree for trial judges.

I think it is therefore appropriate for the Congress to recognize and support this national, nonpartisan educational institution whose mission is to improve the quality of our Nation's judiciary and court personnel at both the Federal and State levels.

NATIONAL JUDICIAL COLLEGE

Mr. REID. Madam President, the National Judicial College was begun 27 years ago in Boulder, CO, and has been located on the campus of the University of Nevada, Reno, since 1965. Each year it offers approximately 50 continuing education courses of 1 to 4 weeks in duration. Participants are mostly State trial judges of both general and limited jurisdictions, but also State and Federal administrative law judges.

In addition, the National Judicial College presents special seminars, symposia, and conferences, often in cooperation with State judicial organizations and with other national groups. It provides curriculum assistance and faculty training for State organizations and publishes textbooks for use in judicial education and for courtroom use. Topics covered in recent programs include bioethical issues, handling toxic torts, drugs and the courts, domestic violence, AIDS and other medical-legal issues, and a course on race and gender bias in court proceedings.

Funding for the Judicial College operations has come from three main sources: tuition paid by the participants or their courts; grants and gifts made by foundations, corporations, individuals and Government agencies; and income from the college's endowment. The operations budget is approaching $4 million a year.

Since State courts handle more than 97 percent of the legal business in the Nation, training of these judges is vital to the strength of the entire system. The over 27,000 judges in the State courts look to the Judicial College for leadership in achieving justice through quality judicial education. While the resources of many States have declined, the need for better training of the judiciary in the face of growing caseloads has increased. While literally hundreds of judges want to come to the college, the economy in many States has restricted their financial ability, resulting in a significant shortfall to the college. It is unfortunate that at a time of greatest need for judges to increases their competence and productivity, training funds are drying up.

This is why I have asked the committee for a direct appropriation to the National Judicial College to assist judges who want to attend the college, providing financial help for tuition and travel. The college's successful work over more than a quarter century demonstrates the contribution it has made and its unique role in assisting State courts. I hope the Senate will approve this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 931) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 932

(Purpose: Delay of Implementation of new legislation affecting visas for artists and entertainers ("O" and "P" visas))

Mr. HOLLINGS. Madam President, I send an amendment to the desk on behalf of myself, Senator KENNEDY and Senator SIMPSON. This amendment, too, has been cleared on both sides. It delays the implementation of new legislation affecting visas for artists and entertainers. An error was inadvertently made in the Immigration and Nationality Act. So in our immigration section we are simply providing Congress time to enact legislation to correct the error.

I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report this amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. KENNEDY and Mr. SIMPSON proposes an amendment numbered 932.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, line 7, under the heading Immigration and Naturalization Service, insert before the period the following new proviso: ": *Provided further*, That, until April 1, 1992, none of the funds appropriated by this Act shall be used to enforce section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) or sections 207(a) or 207(b) of the Immigration Act of 1990 (Public Law 101-649), and that until such date aliens seeking admission as artists, athletes, entertainers or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance or as the spouse or child of such a nonimmigrant) shall be admitted by the Attorney General under the terms of section 101(a)(15) (H)(i)(b) of the Immigration and Naltionality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)) as in effect on September 30, 1991.".

Mr. SEYMOUR. Mr. President, I rise as a cosponsor of the amendment offered by my good friend from Wyoming, the distinguished minority whip, Senator SIMPSON. I believe this amendment will be of great assistance to the Federal Government's efforts to meet one of its major immigration responsibilities: to effectively and expeditiously deport convicted alien felons.

For many regions of the Nation, especially along the Southwest border, the growing presence of alien felons in county jails and State prisons is a severe and costly problem. The State of California alone expends a minimum of $250 million each year to identify, prosecute, incarcerate, and deport alien felons.

As my colleagues know, the deportation of convicted aliens the minute they're released from prison was identified by Congress as a top priority when we enacted the Immigration Act of 1990. We must not retreat from this priority. But simply identifying this problem is not enough. We must make the necessary funding decisions to attack the problem and meet the priority.

Recently, modest but important steps have been taken by the Senate that reaffirms our commitment to this issue. Several weeks ago, the Senate adopted an amendment that I introduced to the comprehensive crime bill, which creates a new civil fine imposed on any individual who induces or coerces an alien to commit an aggravated felony. The money collected from this fine is to be deposited in a criminal alien identification and removal fund, and used to assist the INS and the States identify and deport alien felons, and to fund any of the 20 additional immigration judge positions created under last year's immigration bill.

Another step was taken when the Senate passed the Treasury, Postal appropriations bill. This legislation includes $10 million for 100 additional Border Patrol agents. Mr. President, I believe the best method to combat alien felons in our country is to have effective enforcement at the border. After all, it is much better to prevent an alien felon from entering our Nation than to respond to his violent acts on our streets. And our priority of deporting alien felons in this country will mean nothing unless we have the capability to keep them from coming back in. Though I was pleased to support this funding increase, I strongly believe that much more needs to be done in this area, and I intend to work with my colleagues and with the administration to insure that our borders are secure.

The amendment that we have before us today also represents an important step. This amendment will target $1.5 million for 10 of the 20 additional immigration judges that were called for in last year's Immigration Act. With this additional support, we can move closer to reaching our goal, one that will result in alien felons taking their first steps outside of prison into a waiting vehicle, its destination beyond the borders of our Nation.

This amendment will be of great importance to our efforts, especially if my addition to the crime bill is enacted into law. By funding these judicial positions under this appropriations measure, the criminal alien and identification and removal fund can be used more toward assisting the INS and the States in their efforts to identify and deport alien felons.

Mr. President, when an alien illegally crosses the border, that individual is the responsibility of the Federal Government. Their very act of crossing the border violates Federal law. Therefore, it is up to us to deal with them. Our responsibility to incarcerate and deport those aliens who participate in felonious activities is even greater.

I intend to revisit the issue, Mr. President, because quite frankly, even with the actions we've been taking on this issue, much more needs to be done. If it takes gradual steps like the amendment before us today, then so be it. But we must fully address the impact that criminal aliens are having on State and local governments, State and local prisons, as well as communities across America. The cost in terms of dollars and lives is something that we can't ignore any longer.

Mr. President, I commend my colleagues from Massachusetts and Wyoming for their efforts to bring this amendment to the floor, and I look forward to working with them on this issue in the future.

Mr. HOLLINGS. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from South Carolina.

The amendment (No. 932) was agreed to.

Mr. HOLLINGS. Madam President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Madam President, that takes up the housekeeping. We know of two amendments, one with respect to the legal services and one with respect to the census. They will not be long debated amendments.

Mr. RUDMAN. Madam President, I had hoped that we might get to the legal service amendments at this time because I wish to be heard on it. So I am going to suggest to the chairman that in the interest of time if he would be prepared to offer his census amendment, then that can be debated.

I know there are some Senators who wish to come to the floor to speak on it. We could get a rollcall vote on that hopefully early in the evening.

Then I would attempt to come back to the floor because I know the Senator from South Carolina has asked me to speak on it in opposition to the Gramm legal services amendment which I have every intention of doing. I wonder if we might do that. Senator HATFIELD should certainly be here by 5 o'clock to continue managing the bill with the chairman.

Mr. HOLLINGS. Very good.

The PRESIDING OFFICER. Without objection, the pending committee amendment is set aside.

AMENDMENT NO. 933

(Purpose: To correct errors in the 1990 Census)

Mr. HOLLINGS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will now report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. THURMOND, proposes an amendment numbered 933.

At the appropriate place, insert the following:

SEC. . The decennial census of population of 1990 shall be adjusted to reflect the changes recommended on June 21, 1991, by the Post Enumeration Commission and the Director of the Census.

Mr. HOLLINGS. Madam President, what I have here is an amendment to this particular amendment to make certain the count of the census shall not apply to political reapportionment. It is well thought out. It is affirmative to the State.

AMENDMENT NO. 934 TO AMENDMENT NO. 933

(Purpose: To correct errors in the 1990 Census)

Mr. HOLLINGS. Madam President, I send an amendment to that amendment and ask the clerk to report.

The PRESIDING OFFICER. Without objection, the amendment is in order and now the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 934 to the amendment No. 933.

Amend the pending amendment by inserting the following after the word "CENSUS" on line 4, ", except that such adjustment shall not apply to political reapportionment".

Mr. HOLLINGS. Madam President, the intent of this amendment is to follow through on the very judicious and deliberate approach that we made in the census count. The census count is fundamental.

This is a very simple amendment. It is an amendment that ensures that approximately 5.3 million Americans are not denied the right to be counted, to be included in the 1990 decennial census. This is an issue that goes to the very heart of why we have a Federal Government and why we perform a decennial census. The importance of an accurate census count has been recognized since this Nation began—the requirement for the decennial census was included by the Founding Fathers in article 1, section 2, of our Constitution.

Article 1, section 2, of the Constitution the Founding Fathers provided just that for a decennial census, and we have been following through with that each 10-year period in the history of this land. However, in 1980, we learned that these counts, as well as they were attempted to be made, just were not accurate. There were a lot of people not found, not included, particularly in the field of the cities, particularly in the field of the minorities, and so the Congress then said well now, let us make as accurate a count as we possibly can. And over the 10-year period we instituted a model over in the Department of Commerce, spending some 60 million bucks for this model. We got the best demographers you could think of, the best counters and best experts and professionals in the field.

Over that 10-year period we worked out a very good model. So when the count came in having expended not $2.5 billion in the last 5 years to make the count, we thought this little $60 million real count adjustment could be made professionally and we were so prepared to do so.

The importance of the census was recently summed up by its current Director, Barbara Everitt Bryant:

The decennial census is the benchmark. It is the basis for drawing samples for all household surveys during the upcoming decade.* * * It is the base from which estimates of the U.S population are made between censuses * * * [and] it is important for national social and economic statistics that this benchmark count be made as accurate as possible.

Ten years ago, many felt that the 1980 census had unfairly undercounted the America's population. So, for the past decade the Commerce Department and the Congress have focused resources on ensuring that the 1990 decennial census was the best, most accurate census ever. We funded approximately $60 million to develop a postenumeration model to ensure that those who are traditionally undercounted were not undercounted again this time.

Late last year, the census wrapped up its 1990 census efforts. And it was clear that, despite good intentions, the census had undercounted a lot of Americans. Communities across South Carolina began contacting my office to say, "The census count is not accurate. We have people here that were not counted."

In fact, the model shows that for each of the States. My particular amendment provides for the some 5.3 million Americans that were missed and are included in the 50 States. No State loses in the sense of how much they have right now in the number of persons. Some really increase minimally. Some increase where you have the largest cities or minorities, let us say, substantially. But there is no actual cut from the actual count that is now being used and adopted by the Government. Because, when census performed its postenumeration survey, that is, it used that $60 million numerical model, it found that these communities were right. The census had undercounted 5.3 million Americans.

In simple terms, the Census Bureau concluded last month that the 1990 census counted only 97.9 percent of Americans; it was 2.1 percent short. This undercount was greater for black Americans, Hispanic Americans, Native Americans, and Americans of Pacific Islands heritage than it was for caucasians. The undercount also was regionally skewed. States served by some census regions, such as those in the Southeast from the Atlanta office, were less accurately counted. And, of course, in the Denver office, too, they were undercounted. And it is not supposed to operate that way.

Madam President, the Census Bureau realized that mistakes had been made. It convened an Undercount Steering Committee to perform a technical assessment of the census count and the postenumeration survey. That committee, made up of nonpolitical senior career, statistical, and demographic experts, voted 7 to 2 to adust the census. The Director of the Bureau of the Census, Barbara Everitt Bryant, recommended to the Secretary of Commerce that, "The results of the 1990 postenumeration survey be used to adjust the 1990 census." She concluded:

The quality of the 1990 postenumeration survey is excellent. Thus, for the first time in history, a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253 million, not 248.7 million. * * *

We all know what happened. The distinguished Secretary of Commerce decided not to adjust the census. He disagreed with the professional opinion of the Director of the Census and the postenumeration panel. He felt that we had not had an adjustment in 200 years, so we should not have one now.

Of course, we never had this postenumeration survey in 200 years. We have never spent $60 million to go about it in a professional fashion before.

So what the Secretary of Commerce is saying is past censuses had errors in them and therefore this one should have an error also.

Madam President, there are 103,000 South Carolinians that were excluded from the census when Secretary Mosbacher made his decision. And of course we should not accept that nor should 5.3 million Americans across this Nation be excluded, I might say. They have a right to be counted.

My amendment is very simple. Every State would be adjusted upward. No State would lose population. I will send a table to the desk along with this statement that provides the State by State adjustment. My amendment takes the recommendations of the Director of the Census and expert panel she headed. It adjusts the census to achieve accuracy and to count the 5.3 million Americans that Secretary Mosbacher refuses to acknowledge.

My amendment does not seek to require reapportionment of the other body. Rather, it relates to all other aspects of the census, including the simple fact of knowing how many people live in each State.

Madam President, some have said "OK, let's stick with Mosbacher and not adjust the census. But let's invest in more models for the next census." Well, we already did invest $60 million in this postenumeration model. Since

1984, when the census began preparing for the 1990 census, the Congress, through this very State, Justice, and Commerce appropriations bill provided $2.5 billion for the census.

We do not need to wait another 10 years to get an accurate census. I do not want to tell 5.3 million Americans they must wait another 10 years in order to be counted. The time to adjust is now. It is the Congress' role, and it is our responsibility to do so.

So, Madam President, accordingly, I send to the desk the adjustment count worked out by the Bureau of the Census and the Department of Commerce showing exactly what the initial census count is, the postenumeration survey, and the recommended increase for each of the 50 States.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR HOLLINGS CENSUS AMENDMENT

State	Initial census count	Census recommended adjustment/post-enumeration survey	Recommended increase
Alabama	4,040,587	4,146,133	105,546
Alaska	550,043	560,727	10,684
Arizona	3,665,228	3,790,186	124,958
Arkansas	2,350,725	2,402,925	52,200
California	29,760,021	30,888,076	1,128,055
Colorado	3,294,394	3,376,099	81,705
Connecticut	3,287,116	3,305,658	18,542
Delaware	666,168	686,661	20,493
District of Columbia	606,900	638,747	31,847
Florida	12,937,926	13,277,708	339,782
Georgia	6,478,216	6,632,561	154,345
Hawaii	1,108,229	1,136,417	28,188
Idaho	1,006,749	1,035,271	28,522
Illinois	11,430,602	11,592,305	161,703
Indiana	5,544,159	5,585,918	41,759
Iowa	2,776,755	2,807,238	30,483
Kansas	2,477,574	2,506,427	28,853
Kentucky	3,685,296	3,767,824	82,528
Louisiana	4,219,973	4,332,297	112,324
Maine	1,227,928	1,240,076	12,148
Maryland	4,781,468	4,868,990	87,522
Massachusetts	6,016,425	6,039,315	22,890
Michigan	9,295,297	9,403,964	108,667
Minnesota	4,375,099	4,419,180	44,081
Mississippi	2,573,216	2,632,412	59,196
Missouri	5,117,073	5,184,411	67,338
Montana	799,065	822,092	23,027
Nebraska	1,578,385	1,594,894	16,509
Nevada	1,201,833	1,231,620	29,787
New Hampshire	1,109,252	1,115,972	6,720
New Jersey	7,730,188	7,836,174	105,986
New Mexico	1,515,069	1,586,489	71,420
New York	17,990,455	18,304,414	313,959
North Carolina	6,628,637	6,814,693	186,056
North Dakota	638,800	647,837	9,037
Ohio	10,847,115	10,933,439	86,324
Oklahoma	3,145,585	3,213,646	68,061
Oregon	2,842,321	2,898,058	55,737
Pennsylvania	11,881,643	11,956,891	75,248
Rhode Island	1,003,464	1,006,150	2,686
South Carolina	3,486,703	3,589,808	103,105
South Dakota	696,004	706,954	10,950
Tennessee	4,877,185	5,012,173	134,988
Texas	16,986,510	17,550,747	564,237
Utah	1,722,850	1,757,423	34,573
Vermont	562,758	570,651	7,893
Virginia	6,187,358	6,352,705	165,347
Washington	4,866,692	4,986,607	119,915
West Virginia	1,793,477	1,842,267	48,790
Wisconsin	4,891,769	4,923,844	32,075
Wyoming	453,588	466,067	12,479

SENATOR HOLLINGS CENSUS AMENDMENT—Continued

State	Initial census count	Census recommended adjustment/post-enumeration survey	Recommended increase
Total	248,709,873	253,979,141	5,269,268

Mr. RUDMAN. Madam President, I rise regretfully to oppose the amendment because obviously the chairman and I agree on just about everything in this bill. But I must say that this is one where I must part company.

Let me make a point up front here. My distinguished friend from South Carolina has just introduced in the RECORD an exhibit which shows that indeed every State gets some increase. That is true. It is also true that this does not affect the congresssional reapportionment.

But there are winners and losers in this list. Although it is true that every one gets an increase in population, some get an increase in population share as it applies to Federal funds and others get a decrease in population share as it applies to Federal funds, because the general sum of money that is there in some of these programs remains the same and it is done on a per capital basis in many cases.

Let me just say briefly in the few moments that I have here why I oppose this. We had an excellent hearing. The Secretary testified and, as the chairman indicated, the Director of the Census testified. I thought they were both very persuasive. It was a close call.

But the thing that is very apparent to me is that, although this is the best statistical model that can be produced at this time, it is still a statistical model and, in examination of the witness, Dr. Bryant, it became apparent to me that it could be improved upon.

I asked the Director of the Census whether I would be overstepping my bounds if I called the estimate an educated guess. Her response was, no, it was not an educated guess, but it was their best professional judgment at this time. In my view, that equates to the best educated guess.

The 1990 census was incredibly accurate. As a matter of fact, in a country as diverse as ours, 98 percent of the 253 million people were in fact counted.

I think it is important to clear up misconceptions about the census, and I base this on data from the department. The process which they want to use to adjust this flawed census is as flawed as the census may be itself. This is a statistical adjustment. This is not a recount.

Many people think we are talking about going out and counting people again. That is not what they are going to do. What they are going to do is add 6 million unidentified people to the census by duplicating the records of 6 million people identified, and then subtract over 900,000 people who were identified and counted. Thus, some people who were identified and counted will be counted in the census, and some people who were never identified and counted will be in the census. That may be statistically proper. But under examination at that hearing, it became very clear, at least to me, that some work needed to be done.

We have a 98-percent count. That is probably better than we will get any other way, and I am not sure we will have 100 percent if we follow the amendment of the Senator from South Carolina.

I have here, if anyone is interested when they come to the floor, a share analysis, showing what share of Federal funds will be affected in each State, by the amendment of the Senator. There are some winners. There are some losers. As a matter of fact, I think, curiously, it is about 25 winners and 25 losers, which leads me to believe that the vote might be 50 to 49. I am just not sure of the one Senator who will not be voting today, on which side of the issue he is. But at any rate, it is really that close.

The Secretary of Commerce made a very good point at our hearing. His point was that he felt the census was accurately done, it was thoroughly done. He admitted freely some groups were not properly counted because of their movement around the country and the difficulty in pinning some groups down. I understand that. He said they will try to do better next time.

There is going to be a new study as to how to do better but I am not sure we will ever do better than 98 percent.

Mr. President, unless the chairman wishes to respond in any way, I am going to leave the floor. I know a number of Senators wish to come to the floor to discuss this.

I notice Senator HATFIELD is now here to ably assist the chairman.

Mr. President, I ask unanimous consent that a list of States as a percent of the U.S. population be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

5. POPULATION SHARE: STATES AS A PERCENT OF THE U.S. POPULATION BASED ON THE 1990 ENUMERATION COUNT AND THE POST-ENUMERATION SURVEY (PES)

State	1990 Census Enumeration		Selected PES Estimates		Increase/decrease in population share	Margin of error on increase/decrease [2]
	Resident census enumeration [1]	Percent of U.S. total	Estimated population (rounded)	Percent of U.S. total		
	(1)	(2)	(3)	(4)	(5)=(4)–(2)	(6)
California	29,760,021	11.9658	30,888,,000	12.1617	0.1959	0.1152
Texas	16,986,510	6.8298	17,551,000	6.9104	.0806	.0598

5. POPULATION SHARE: STATES AS A PERCENT OF THE U.S. POPULATION BASED ON THE 1990 ENUMERATION COUNT AND THE POST-ENUMERATION SURVEY (PES)—Continued

State	1990 Census Enumeration		Selected PES Estimates		Increase/decrease in population share	Margin of error on increase/decrease[2]
	Resident census enumeration[1]	Percent of U.S. total	Estimated population (rounded)	Percent of U.S. total		
	(1)	(2)	(3)	(4)	(5)=(4)–(2)	(6)
Florida	12,937,926	5.2020	13,278,000	5.2280	.0260	.0455
Arizona	3,665,228	1.4737	3,790,000	1.4923	.0186	.0154
North Carolina	6,628,637	2.6652	6,815,000	2.6833	.0181	.0224
New Mexico	1,515,069	0.6092	1,586,000	.6245	.0153	.0071
Virginia	6,187,358	2.4878	6,353,000	2.5014	.0136	.0203
Tennessee	4,877,185	1.9610	5,012,000	1.9734	.0124	.0173
South Carolina	3,486,703	1.4019	3,590,000	1.4135	.0116	.0130
Louisiana	4,219,973	1.6967	4,332,000	1.7057	.0090	.0143
Alabama	4,040,587	1.6246	4,146,000	1.6324	.0078	.0142
District of Columbia	606,900	0.2440	639,000	.2516	.0076	.0029
Georgia	6,478,216	2.6047	6,633,000	2.6116	.0069	.0220
Washington	4,866,692	1.9568	4,987,000	1.9636	.0068	.0189
Colorado	3,294,394	1.3246	3,376,000	1.3292	.0046	.0137
West Virginia	1,793,477	0.7211	1,842,000	.7253	.0042	.0070
Delaware	666,168	0.2678	687,000	.2705	.0027	.0026
Idaho	1,006,749	0.4048	1,035,000	.4075	.0027	.0045
Montana	799,065	0.3213	822,000	.3237	.0024	.0036
Nevada	1,201,833	0.4832	1,232,000	0.4851	.0019	.0050
Kentucky	3,685,296	1.4818	3,768,000	1.4836	.0018	.0138
Mississippi	2,573,216	1.0346	2,632,000	1.0363	.0017	.0093
Hawaii	1,108,229	0.4456	1,136,000	.4473	.0017	.0052
Wyoming	453,588	0.1824	466,000	.1835	.0011	.0019
Arkansas	2,350,725	0.9452	2,403,000	.9461	.0009	.0088
Oklahoma	3,145,585	1.2648	3,214,000	1.2655	.0007	.0110
United States total	248,709,873	100	253,978,000	100	0.0	N/A
Alaska	550,043	.2212	561,000	.2209	–.0003	.0021
Utah	1,722,850	.6927	1,757,000	.6918	–.0009	.0080
South Dakota	696,004	.2798	707,000	.2784	–.0014	.0030
Vermont	562,758	.2263	571,000	.2248	–.0015	.0033
North Dakota	638,800	.2568	648,000	.2551	–.0017	.0026
Oregon	2,842,321	1.1428	2,898,000	1.1410	–.0018	.0112
Maryland	4,781,468	1.9225	4,869,000	1.9171	–.0054	.0187
Maine	1,227,928	.4937	1,240,000	.4882	–.0055	.0063
Nebraska	1,578,385	.6346	1,595,000	.6280	–.0066	.0054
New Hampshire	1,109,252	.4460	1,116,000	.4394	–.0066	.0050
Rhode Island	1,003,464	.4035	1,006,000	.3961	–.0074	.0047
Kansas	2,477,574	.9962	2,506,000	.9867	–.0095	.0080
Iowa	2,776,755	1.1165	2,807,000	1.1052	–.0113	.0110
Missouri	5,117,073	2.0574	5,184,000	2.0411	–.0163	.0164
Minnesota	4,375,099	1.7591	4,419,000	1.7399	–.0192	.0141
Connecticut	3,287,116	1.3217	3,306,000	1.3017	–.0200	.0153
New Jersey	7,730,188	3.1081	7,836,000	3.0853	–.0228	.0332
New York	17,990,455	7.2335	18,304,000	7.2069	–.0266	.0714
Wisconsin	4,891,769	1.9669	4,924,000	1.9388	–.0281	.0161
Indiana	5,544,159	2.2292	5,586,000	2.1994	–.0298	.0183
Illinois	11,430,602	4.5960	11,592,000	4.5642	–.0318	.0368
Michigan	9,295,297	3.7374	9,404,000	3.7027	–.0347	.0308
Massachusetts	6,016,425	2.4191	6,039,000	2.3778	–.0413	.0276
Ohio	10,847,115	4.3614	10,933,000	4.3047	–.0567	.0347
Pennsylvania	11,881,643	4.7773	11,957,000	4.7079	–.0694	.0484

[1] The population counts released are subject to possible correction for undercount or overcount. The United States Department of Commerce is considering whether to correct the counts and will publish corrected counts, if any, no later than July 15, 1991.

[2] Add to and subtract from increase/decrease in population share to obtain a 95% confidence interval.

(Mr. ROCKEFELLER assumed the chair.)

Mr. HOLLINGS. If the distinguished Senator will yield?

Mr. RUDMAN. I will be happy to yield.

Mr. HOLLINGS. I think the way the amendment is now postured at the desk, it might be two amendments. I would like to amend the original amendment so that that language appears, "that such adjustment shall not apply to political reapportionment."

Can I just amend the one? So it is just one amendment to be voted on up there. Is that correct? I think we sent two amendments to the desk, Mr. President.

The PRESIDING OFFICER. The amendments are pending—there are two.

Mr. HOLLINGS. Can we just amend the second amendment and withdraw the other amendment?

Mr. RUDMAN. Will the Senator yield?

Is it my understanding what we are now doing in a parliamentary fashion is to take the original amendment the Senator from South Carolina offered, tag on the language, the simple sentence, contained in the second amendment, merge that into the first amendment, that will be the pending first-degree amendment, and there will be no second-degree amendment so if anybody wished to there could be a second-degree amendment to the pending amendment?

Mr. HOLLINGS. Oh, yes. I ask consent.

The PRESIDING OFFICER. That can be accomplished by adopting the second-degree amendment.

Mr. HOLLINGS. Either way. Or ask consent it be treated that way. Either way.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 934) was agreed to.

Mr. HOLLINGS. Mr. President, just briefly, before the distinguished Senator leaves, I really despaired over the idea of winners and losers. The truth of the matter is that everybody has been talking, on both sides of the aisle and all over this Capitol, about fairness. All I am trying to do is get the people who were not counted—included in our count. We did not go about it with winners and losers. This was not politically drawn. When you really politicize it, you really go against the fairness.

If they want to look at it and analyze whether by me getting some more but not quite as much as another, whether the population of Chicago is 3 million or 4 million, whether the population of New York is 7 million or 10 million or whatever, that does not disturb the Senator from South Carolina.

What happens is we want to count people wherever they are and let us, in the sense of fairness, not run around and alarm everyone with the Mosbacher approach of winners and losers. It was a professional job until they started treating it politically—winners and losers—because every State gained under the particular model made by the demographers, and a nonpolitical group that got together. The Congress had spent $60 million to get them together. Nobody faulted the model, or anything else of that kind. They just looked and said: Wait a minute, now, I

know what I had and then what I am going to get. I am going to get some more but, wait a minute, another State over here is going to get even more, so let me vote against that other State's citizens being counted.

That is on the point of fairness.

On the point of waste, let us not spend $60 million and then totally throw it out the window and say let us study it further. That is a typical Washington approach to a problem.

If you want to do away with waste—and I might add fraud and abuse—because we defrauded ourselves. We said this is what we are going to do, in 1980, to make sure. The distinguished Senator from New Hampshire, being chairman of this subcommittee, included these millions in there while he was chairman to make sure it was done right. Now that he gets the answer I am sure, in fairness, the Senator would want to include these people and not exclude them.

Certainly it is, coming from frugal New Hampshire, we would not spend $60 million and then forget about it.

Mr. RUDMAN. I would be delighted to include these people if I knew which people to include. I think that is our problem and I think the problem is the way they are going to do it statistically I find unsatisfactory. The Senator may have gotten a better mark in math than I got in high school and he may be right but it did not sound right to me.

Mr. HOLLINGS. What was wrong with it? I had no way of trying to dispute it. I looked, too, to try to find out how Ms. Bryant and her team went about it. I said, did they get in there with overweight of, say, some kind of minority influence and politically started including people? Then when I looked at the different States and everything else, that is what prompted me to put up the amendment.

Mr. RUDMAN. We were at the same hearing and heard the same words. Maybe we interpreted them differently. I just got a sense at that hearing, listening to all the testimony, that although Dr. Bryant and her experts had put together the best model they could at this time, I got the distinct impression they did not have that much confidence in that model themselves.

So I would rather have an error that I know, which is 2 percent, than an error that I do not know, which you might have after this adjustment. I do not think it would spread things, necessarily, in the right way. That is my objection. It is my only objection.

Mr. HOLLINGS. Dr. Bryant and her team voted 3 to 1 to make the adjustment. That did not sound like they were hesitant.

Mr. RUDMAN. They might be more willing to take risks than I am.

Mr. HOLLINGS. Is there some way to get colleagues to the floor who want to talk or can we arrange for a vote?

I see Senator GRAMM now is here.

Mr. RUDMAN. Unfortunately, I would like to be here when the Gramm amendment is considered and the Hollings amendment is pending. So I hope we could at least suggest the absence of a quorum. I am going to do that and ask the cloakrooms to get people down here to debate the amendment.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. RUDMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING OF THE START TREATY IN MOSCOW

Mr. PELL. Mr. President, President Bush and President Gorbachev deserve strong commendation for their resolve and perseverance in bringing the START Treaty to fruition. They have completed a long task, which began with President Johnson at Glasboro in 1968, was continued by President Nixon with SALT I, President Ford with the Vladivostok Accord, and President Carter with SALT II. We have not had rules of the road for strategic nuclear weapons since President Reagan withdrew from the unratified SALT II Treaty in 1986.

While no treaty itself solves all the problems of the nuclear arms race, the new START Treaty will remove a large number of the most destabilizing weapons, the kinds that might be mistakenly used in a crisis situation. For example, START will reduce the numbers of the Soviet's most lethal weapon, the SS–18, by one-half, from 308 to 154. This corresponds to a reduction of more than one SS–18 missile every 20 days over the 7-year reduction period, and one SS–18 warhead removed every 2 days. START will also cut the total number of Soviet ballistic missile warheads based on land and sea in half, from 10,000 to 5,000, a reduction of almost 2 ballistic warheads per day over the 7-year period.

We are all acutely aware of the present financial plight of the Soviet Union—a situation substantially created by misplaced priorities and disproportionate spending for military programs over many decades. I hope the real reductions on both sides, required by the START Treaty, will give the Soviets the confidence to transform much of their military-industrial complex—which consumes some 25 percent of their GNP—to peaceful purposes.

With the Treaty on Intermediate Nuclear Forces, INF, ratified 3 years ago, the nuclear testing treaties ratified with new verification protocols in 1990, and the Treaty on Conventional Armed Forces in Europe, CFE, now before the Senate, we are at long last living up to the visioin of verifiable arms control and reduction of strategic arms as a stabilizing force for peace.

I look forward to the submission of the START Treaty to the Senate early this fall. When the treaty is received, the Foreign Relations Committee will examine the details of the START Treaty with thorough hearings.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Pending the attendance of two of our distinguished colleagues, I will withhold comments awaiting their arrival. Mr. President, I am reading here from the recommendation of the Director of the Bureau of Census, and it says:

As Director of the Bureau of the Census, I, Barbara Everitt Bryant, recommend to Secretary of Commerce, Robert A. Mosbacher, that results of the 1990 Post-Enumeration Survey be used to statistically adjust the 1990 census.

I make this recommendation for these reasons:

1. I believe that statistical adjustment, while far from a perfect procedure, will on average increase the accuracy of the 1990 census.

2. A majority of the Undercount Steering Committee, comprised of nine senior, career, statistical and demographic experts in the Bureau of the Census, believe statistical adjustment leads to an improvement in the counts as enumerated. I have sat through the months of deliberations of this Committee as an *ex-officio* member. Most particularly, I sat in on extensive deliberations from mid-April to mid-June 1991. The Committee evaluated the Post-Enumeration Survey and use of the model for adjustment that was pre-specified in April 1990. I have listened to research teams and consultants supervised by members of this Committee present results of 19 studies to evaluate the quality of the Post-

Enumeration Survey and 11 studies of Demographic Analysis, the alternative method used to estimate the population.

3. The 1990 census counted approximately 98 percent of the population of the United States. Compared to all other survey-type efforts, whether done by government agencies, academic survey research centers, or private sector survey organizations, counting 98 percent of a diversified population in a democratic country with no mandatory individual or household registration is an extraordinary feat. However, there remains about 2 percent of the population *who cannot be reached by enumeration efforts*, for reasons of being disconnected from the society, not understanding the census, apathy, or purposefully avoiding being counted. According to the Post-Enumeration Survey, approximately 5.3 million persons were uncounted in the 1990 census of whom 1.5 million were Blacks and 3.8 million Non-Blacks (a substantial number of the Non-Blacks were Hispanics). The size of the population that cannot be enumerated has grown over the past decade.

4. The Bureau of the Census has measured census undercount since 1940. This undercount is differentially higher for Blacks than Non-Blacks, for males than females. It is time to correct this historical problem. Extraordinary efforts were made in 1990 to reduce the differential undercount. The differential was not reduced. There is no currently identifiable methodology to attain 100 percent population coverage via enumeration in 2000. With the increasing diversity of the country, a growing diversity documented by the 1990 census, the problem could be larger in 2000. Thus correcting for the small percent who cannot be reached should be addressed now.

5. The decennial census is the benchmark. It is the basis for drawing samples for all other household surveys during the decade, surveys that provide the Federal Government with many of the economic and social indicators used for program planning and evaluation. It is the basis from which estimates of the population are made between censuses. It is important for national social and economic statistics that this benchmark count be made as accurate as possible.

6. The quality of the 1990 Post-Enumeration Survey is excellent. Thus—for the first time in history—a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253–254 million, not 248.7 million, as enumerated.

There is no perfect truth as to the size and distribution of the population. Adjusting may bring the numbers closer to the truth, but precise truth cannot be measured. Adjustment, while improving counts for a majority of states and communities, may not improve the count for every community; it may even reduce accuracy for some. There are places where the count, as enumerated, is closer to the truth.

I ask unanimous consent that report, the recommendations to the Secretary of Commerce by the distinguished Director of the Bureau of the Census, dated June 28, 1991, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECOMMENDATION TO SECRETARY OF COMMERCE ROBERT A. MOSBACHER ON WHETHER OR NOT TO ADJUST THE 1990 CENSUS

(By Barbara Everitt Bryant, Director, Bureau of the Census, Department of Commerce)

June 28, 1991.

This section of the report is organized in three sections: Recommendation; Background; Discussion of Guidelines.

RECOMMENDATION

There now exists one enumeration and two estimates of the resident population of the United States on April 1, 1990:

Resident population as enumerated in the 1990 census (an additional 922,000 overseas military, Federal employees and their dependents were added to the resident population to make up the apportionment population of 249,632,692 delivered to President George Bush December 26, 1990) ..	248,709,873
Estimate of resident population from Demographic Analysis (DA)	253,393,786
Estimate of resident population from Post-Enumeration Survey (PES) using Selected PES Model. This is the "adjusted" resident count	253,979,141

The latter two estimates were made using the most extensive post-census research ever conducted by the Bureau of the Census. Recommendation: As Director of the Bureau of the Census, I, Barbara Everitt Bryant, recommend to Secretary of Commerce, Robert A. Mosbacher, that results of the 1990 Post-Enumeration Survey be used to statistically adjust the 1990 census.

I make this recommendation for these reasons:

1. I believe that statistical adjustment, while far from a perfect procedure, will on average increase the accuracy of the 1990 census.

2. A majority of the Undercount Steering Committee, comprised of nine senior, career, statistical and demographic experts in the Bureau of the Census, believe statistical adjustment leads to an improvement in the counts as enumerated. I have sat through the months of deliberations of this Committee as an ex-officio member. Most particularly, I sat in on extensive deliberations from mid-April to mid-June 1991. The Committee evaluated the Post-Enumeration Survey and use of the model for adjustment that was prespecified in April 1990. I have listened to research teams and consultants supervised by members of this Committee present results of 19 studies to evaluate the quality of the Post-Enumeration Survey and 11 studies of Demographic Analysis, the alternative method used to estimate the population.

3. The 1990 census counted approximately 98 percent of the population of the United States. Compared to all other survey-type efforts, whether done by government agencies, academic survey research centers, or private sector survey organizations, counting 98 percent of a diversified population in a democratic country with no mandatory individual or household registration is an extraordinary feat. However, there remains about 2 percent of the population who cannot be reached by enumeration efforts, for reasons of being disconnected from the society, not understanding the census, apathy, or purposefully avoiding being counted. According to the Post-Enumeration Survey, approximately 5.3 million persons were uncounted in the 1990 census of whom 1.5 million were Blacks and 3.8 million Non-Blacks (a substantial number of the Non-Blacks were Hispanics). The size of the population that cannot be enumerated has grown over the past decade.

4. The Bureau of the Census has measured census undercount since 1940. This undercount is differentially higher for Blacks that Non-Blacks, for males than females. It is time to correct this historical problem. Extraordinary efforts were made in 1990 to reduce the differential undercount. The differential was not reduced. There is no currently identifiable methodology to attain 100 percent population coverage via enumeration in 2000. With the increasing diversity of the country, a growing diversity documented by the 1990 census, the problem could be larger in 2000. Thus correcting for the small percent who cannot be reached should be addressed now.

5. The decennial census is the benchmark. It is the basis for drawing samples for all other household surveys during the decade, surveys that provide the Federal Government with many of the economic and social indicators used for program planning and evaluation. It is the base from which estimates of the population are made between censuses. It is important for national social and economic statistics that this benchmark count be made as accurate as possible.

6. The quality of the 1990 Post-Enumeration Survey is excellent. Thus—for the first time in history—a tool exists with which to correct the census enumeration to make it more accurate. Two independent types of research provide estimates that the resident population of the United States is 253–254 million, not 248.7 million, as enumerated.

There is no perfect truth as to the size and distribution of the population. Adjusting may bring the numbers closer to the truth, but precise truth cannot be measured. Adjustment, while improving counts for a majority of states and communities, may not improve the count for every community; it may even reduce accuracy for some. There are places where the count, as enumerated, is closer to the truth.

Adjustment is an issue about which reasonable men and women and the best statisticians and demographers can disagree. The minority viewpoint expressed in the Census Bureau's report, which follows my report, illustrates this.

I stand, however, with the majority of the Census Bureau's Undercount Steering Committee on judging that adjustment would improve the 1990 census.

BACKGROUND

The Bureau of the Census used two types of research to evaluate the completeness of the 1990 census. These are described more fully in Appendices 3–5, but are summarized here.

Demographic analysis

Postcensus research to estimate the adequacy of census enumeration (coverage) of the population is not new. Demographic Analysis—using birth, death, immigration and other noncensus administrative records goes back to 1940. Historically, postcensus research has been conducted for evaluation purposes to assist in planning the next census rather than for adjusting the most recent one.

Census Bureau demographers have improved and refined Demographic Analysis through the years, using new analyses of historical data and findings from each census to improve estimates. Thus, it has been possible to make retrospective corrections to Demo-

graphic Analysis estimates that were published after each census. According to Demographic Analysis, the census counted 98.2 percent of U.S. residents in 1990, while 1.8 percent were not counted. Based on the most current research, undercounts for the past six censuses are as shown in Table A.

TABLE A.—HISTORICAL ESTIMATES OF THE AMOUNT AND PERCENT OF NET UNDERCOUNT AS MEASURED BY DEMOGRAPHIC ANALYSIS, BY RACE: 1940 TO 1990

	Demographic Analysis Estimates of Net Undercount[1] (amount in thousands)											
	1990		1980		1970		1960		1950		1940	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
Total population	4,684	1.8	2,802	1.2	5,653	2.7	5,700	3.1	6,537	4.1	7,513	5.4
Black	1,836	5.7	1,257	4.5	1,566	6.5	1,327	6.6	1,225	7.5	1,187	8.4
Nonblack	2,848	1.3	1,545	.8	4,087	2.2	4,374	2.7	5,312	3.8	6,326	5.0
Difference	NA	4.4	NA	3.7	NA	4.3	NA	3.9	NA	3.8	NA	3.4

[1] Estimates represent "point" estimates of net undercount for each census and are subject to uncertainty regarding the accuracy of the estimates. The estimates for 1940–1980 are based in part on the "reverse projection" of the population aged 65 and over in 1990 using estimates of population change, which adds another component of error in those coverage estimates. The estimates represent revision of previously published coverage estimates for 1940–1980.

As you can see, the estimated undercount in the census dropped over successive censuses from 5.4 percent in 1940 to 1.2 percent in 1980.[1] In 1990, undercount rose slightly to 1.8 percent. Throughout the period of the six censuses, however, the undercount differential between the Black and Non-Black population has remained in the 3.4–4.4 percent range. For 1990, Demographic Analysis shows a differential of 4.4 percent.

For the 1990 census, the Census Bureau mounted the most extensive effort ever to enumerate Blacks and other minorities. This included the hiring of 280 community outreach workers who worked in communities two years before census taking; involvement of 56,000 community organizations—mostly minority but also city and state Complete Count Committees; outstanding cooperation from Black and Spanish language media in running public service announcements and programs about the importance of the census; and the hiring of folllow-up enumerators from minority populations, bilingual and multi-language enumerators, and residents of public housing projects and American Indian reservations to enumerate persons in their neighborhoods. Despite this effort, the undercount differential was not reduced below its historical level.

Post-Enumeration Survey

Demographic Analysis can provide estimates only at the national level and only for males and females, Blacks and Non-Blacks by age groups. A second type of research, a Post-Enumeration Survey, can provide detail by demographic groups and for areas below the national level. A Post-Enumeration Survey, not Demographic Analysis, can be used as the basis for adjustment. After the 1980 census, the Bureau of the Census conducted a post-census survey for the first time. The quality of this survey was not adequate for use for adjustent purposes, and the analyses of it occurred long after the census. In the decade since, the Census Bureau has researched improvements in the methodology of post-enumerating surveys. The 1990 Post-Enumeration Survey proves to be a high quality survey of 167,000 households with matching of the individuals in these households to the 1990 census to identify those who were counted or missed.

According to the 1990 Post-Enumeration Survey, the Census counted 97.9 percent of U.S. residents, but did not count 2.1 percent. As Table B shows, the 1990 undercount for Blacks is 4.8 percent; 5.2 percent for Hispanics; 5.0 percent for American Indians; 3.1 percent for Asian and Pacific Islanders, and 1.7 percent for Non-Blacks. Differences in the Black and Non-Black count between the Demographic Analysis and the Post-Enumeration Survey are not statistically significant.

TABLE B.—SELECTED POST-ENUMERATION SURVEY (PES) ESTIMATES OF TOTAL RESIDENT POPULATION: TOTAL

Race/Hispanic/sex group	Resident census enumeration	Selected PES estimate of population	Estimated under/overcount rate	Margin of error due to sampling
Total	248,709,873	253,979,141	2.1	.4
Male	121,239,418	124,249,093	2.4	.4
Female	127,470,455	129,730,048	1.7	.4
Black	29,986,060	31,505,838	4.8	.6
Male	14,170,151	14,974,382	5.4	.6
Female	15,815,909	16,531,456	4.3	.6
Non-Black	218,723,813	222,473,303	1.7	.4
Male	107,069,267	109,274,711	2.0	.4
Female	111,654,546	113,198,592	1.4	.4
Other populations of interest:				
Asian or Pacific Islanders	7,273,662	7,504,906	3.1	.9
Male	3,558,038	3,688,436	3.5	1.0
Female	3,715,624	3,816,470	2.6	.9
American Indian	1,878,285	1,976,890	5.0	2.1
Male	926,056	980,874	5.6	2.2
Female	952,229	996,016	4.4	2.0
Hispanic[1]	22,354,059	23,590,274	5.2	.8
Male	11,388,059	12,086,513	5.8	.9
Female	10,966,000	11,503,761	4.7	.9

[1] Persons of Hispanic Origin may be any race.

Demographic Analysis and Post-Enumeration Survey results are similar, but not identical. The Demographic Analysis, although not usable for adjustment, does serve to confirm the results of the Post-Enumeration Survey with some exceptions. Exceptions are that Demographic Analysis shows less undercount among females and more undercount among Black males than those Demographic Analysis. Demographic Analysis and the Post-Enumeration surveys differ on the undercount within several age groups. Overall, however, both Demographic Analysis and the Post-Enumeration Survey, show a total population undercount of approximately 2 percent. Both show differentials between the counts of Blacks and Non-Blacks, males and females, with Blacks (Black children age 0–9 and Black males age 20–64) and males in total having the higher undercounts. Additionally, the Post-Enumeration Survey shows an undercount differential for Hispanics and American Indians comparable to that for Blacks. It shows a somewhat smaller undercount for Asians and Pacific Islanders, though still larger than that for Non-Blacks.

[1] The undercount estimate according to Demographic Analysis published after the 1980 census in "The Coverage of Population in the 1980 Census" by Robert E. Fay, Jeffrey S. Passel, and J. Gregory Robinson (U.S. Department of Commerce, Bureau of the Census, February 1988, Table 3.2) showed 1.4 percent undercount. 1.2 percent is the revision made as part of the improvements in Demographic Analysis developed for evaluation of the 1990 census.

Because political representation and many Federal, State, and local funds are apportioned on the basis of census counts, the missing 2 percent are important to the communities and states in which those who do not cooperate or those who actively avoid the census live. You have heard from many mayors, governors, and legislators who stress how vital a full count is to them, and we at the Census Bureau have heard from them as well.

We have also heard the views of elected officials from states and communities where there was a full count. They say their residents cooperated; their states and communities provided human and monetary resources to get their residents counted accurately. They feel that places with undercounts had the opportunity to do the same and should not benefit from an adjustment at the expense of places where residents were cooperative.

While listening to both points of view, I base my recommendation to adjust the 1990 census on concern for accuracy of the count—both numerically and proportionally.

DISCUSSION OF GUIDELINES

Guideline 1: The Census shall be considered the most accurate count of the population of the United States, at the national, state, and local level, unless an adjusted count is shown to be more accurate. The criteria for accuracy shall follow accepted statistical practice and shall require the highest level of professional judgment from the Bureau of the Census. No statistical or inferential procedure may be used as a substitute for the Census. Such procedures may only be used as supplements to the Census.

To determine whether the census count or the adjusted count is the most accurate, the Census Bureau made its best estimate of the "true" resident population of the United States and compared the census and adjusted counts to that.

The procedure used to produce the adjusted counts was to classify individuals into one of 1,392 classifications, called post-strata. Every individual in the United States fits into one, and only one, of these post-strata. These post-strata are based on census division (such as New England or Pacific), type of place of residence (such as large or small city, suburban, nonmetro), tenure (owner or renter housing), race, Hispanic ethnicity, sex, and age. The Post-Enumeration Survey (PES), plus matching of PES households to census questionnaires, measured the proportion of each post-strata classification who were counted in the census, in the PES, counted in both, or in one but not the other. The Census Bureau used an estimating method called the Dual System Estimate (DSE) and a "smoothing method" (discussed later in this report) to estimate the population. The estimate included an estimate for those who were missed by both the census and the PES. The DSE made this estimate nationally and for each of the 1,392 post-strata of persons. This gave the adjusted counts.

To estimate the "true" population required making many evaluations to identify bias, sampling error and other errors introduced in the survey process in the PES and the resultant DSE. These errors and biases were combined in a Total Error Model that was used to correct the Dual System Estimates for post-strata aggregated into 13 larger strata, each with similarities in characteristics. This modified population estimate was then used as the best approximation of the "true population" against which to compare both the adjusted counts and the census. This process just described is a statistical procedure called Loss Function Analysis.

Loss Function Analysis statistically describes the consequences of using a particular set of data with its aggregate loss due to error in the distribution of the population. The focus of the analysis is on distribution rather than magnitude of the estimates of the population. It is an appropriate tool to use to evaluate the census because most Federal uses of census data are for proportional distributions.

Loss Function Analysis shows that there would be an accuracy gain in proportion of population for 29 states offset by possible inaccuracy in 21. Inaccuracy can be in the direction of moving an area to a proportional overcount, as well as undercount, so inaccuracy is not necessarily harmful to the area. The states where accuracy would be improved contain two-thirds (67 percent) of the nation's population enumerated in the census.

Adjustment would improve the proportional accuracy of the counts for approximately 54 percent of cities and places with populations of 100,000 or more and 72 percent of counties with 100,000 or more. Demographers reviewed adjusted counts for these places and compared them to other data—1980 counts, intercensal estimates and demographic characteristics—to see whether these adjusted counts have "face validity," that is, do they make sense? The vast majority do, but there are some exceptions. Adjustment will improve the accuracy of the 1990 population for the majority, but not for all places.

In addition to Loss Function Analysis computed by statisticians, demographers made an independent evaluation of the adjusted population counts for states. To do this they compared the adjusted state counts with counts simulated by Demographic Analysis. To make the simulations (because Demographic Analysis is only at the national level), they disaggregated census counts for each state by race and Hispanic ethnicity. They then applied DA national undercount rates to Black and Non-Black subpopulations and PES rates to Hispanic and Asian and Pacific Islanders. Then they built up new state estimates by recombining the racial and ethnic groups. These simulated state estimates further confirmed the "face validity," or reasonableness, of the adjusted state counts.

The Census Bureau examined proportional distribution for places of under 100,000. There is little direct evidence to judge whether adjusted counts are more accurate for places under 100,000. However, Loss Function Analysis shows that for metropolitan places of less than 25,000, 25,000–49,999 and 50,000 or more, and for nonmetropolitan places less than 25,000, and 25,000–49,999 in total, by these size categories, adjusted counts are more accurate than the census. However, there are concerns about the accuracy of the loss function assumptions for small areas.

The Census Bureau's nine member Undercount Steering Committee majority judges that the improvement in counts on the average for the Nation, States, and places over 100,000 population outweights the risk that the accuracy of adjusted counts might be less for smaller areas. The minority on that Committee have concerns about whether the Total Error Model is accurately measuring all sources of error.

Loss Function Analysis, based on the method of estimating the "true" population used, shows that adjustment is better than the census for apportionment. It is more likely that the corrected apportionment based on an adjusted count would be closer to the truth than further from the truth.

The Census Bureau subjected the PES and resultant DSEs to test after test to find fatal flaws in procedures. The Census Bureau did not find fatal flaws.

Evaluations show that the PES is of sufficiently high quality to use as an adjustment tool. In the professional judgment of the Census Bureau's Undercount Research Committee, this survey and the Selected PES model for adjustment improve the count over the census.

The adjusted count would improve accuracy by correcting major differentials in coverage by race and ethnicity compared to the census. Existence of these differentials is supported by Demographic Analysis and historical data. Using the adjusted numbers would not totally close the gap in the undercount of Black children aged 0–9 and Black men aged 20–64, but it would be an improvement over the census. Since minority undercounts impact on many local areas, adjusted counts would clearly improve the count for places with major minority populations. Offsetting these gains, Demographic Analysis suggests that adjustment may over correct for females. Taking into account 24 age-sex-groups, the similarity between the Post-Enumeration Survey and Demographic Analysis (though there are some differences) suggests that the PES is reflecting real undercounts in the census that adjustment would substantially, though not completely, correct.

The PES, supported by Demographic Analysis, estimates that the resident population of the United States on April 1, 1990 was approximately 5.3 million greater than was counted in the census. The fact that both these Census Bureau research projects, including the one based on administrative records rather than census data, produce nearly the same 5 million number is strong evidence that these residents of the United States exist. Logic also supports the existence of people who cannot or will not be counted, although logic cannot confirm their numbers. In my opinion, not adjusting would be denying that these 5 million persons exist. That denial would be a greater inaccuracy than any inaccuracies that adjustment may introduce.

Guideline 2. The 1990 Census may be adjusted if the adjusted counts are consistent and complete across all jurisdictional levels: national, state, local and census block. The resulting counts must be of sufficient quality and level of detail to be usable for Congressional reappointment and legislative redistricting, and for all other purposes and at all levels for which census counts are published.

The adjustment model as designed allows adjustment to be carried out across all jurisdictional levels. As described earlier, each individual is classified into one of 1,392 post-strata. The PES and matching to census questionnaires plus use of the DSE measure the under/overcount of each post-stratum so that an adjustment factor can be calculated for each. Each individual is then weighted by the adjustment factor for his or her post-stratum to create the adjusted populations at all levels. This is called synthetic adjustment. The model carries out adjustment consistently and completely all jursdictional levels.

Because of the problems of correcting a census with a survey, an adjusted count cannot be accurate in each of the 4 million occupied blocks, or at all larger aggregations of them. There is no PES system—short of one

which took a second perfect census—that could say adjusted counts are more accurate for all blocks.

Relevant to whether counts can be carried to all levels is the question of whether the assumption approximately holds that the probability of being counted in the census is the same for all persons in the same post-strata classification. When people are combined by age and sex, these 1,392 post-strata are subdivisions of 116 larger post-strata. To test whether the people living on blocks within these 116 larger post-strata are homogeneous, that is, alike, on factors related to being counted or not, the Census Bureau conducted an analysis of the homogeneity of 115 of the 116 larger post-strata (the 116th is persons living on Indian reservations). This was done using a regression prediction model to predict an adjustment factor for block parts, then comparing that with the factor of 1.0 (no adjustment) representing the census counts. This predicted adjustment factor was also compared with the measured factor for the post-strata to be used for adjusted counts. For 24 of the 115 post-strata the census count was superior while for 91 post-strata the adjusted count was superior. This gave support to the accuracy of the Selected PES adjustment model for carrying adjustment out at the block level within post-strata.

Two studies examined the validity of using post-strata based on census division, rather than states, for estimation. The synthetic adjustment uses post-strata based on census divisions. The two studies gave different results. One study showed that in 8 of the 9 regions there were no significant differences among states within post-strata. The other showed significant state effects within post-strata. The Census Bureau put more weight on the first study.

Professional judgment of the majority of the Census Bureau's Undercount Steering Committee is that the probability of having been counted or not in the census is sufficiently homogeneous among block parts within post-strata to support adjustment. The minority on the Committee are concerned about the prediction model and the differences by states. I stand with the majority in use of the Selected PES adjustment model.

Guideline 3: The 1990 census may be adjusted if the estimates generated from the pre-specified procedures that will lead to an adjustment decision are shown to be more accurate than the census enumeration. In particular, these estimates must be shown to be robust to variations in reasonable alternatives to the production figures, and to variations in the statistical models used to generate adjusted procedures.

Pre-specification: Procedures for postcensus research and the model for adjustment were pre-specified in April 1990. Census Bureau statisticians set specifications well before field work for the PES and long before there were any census data. Thus there was no possibility of the model being designed to attain a desired outcome.

The Census Bureau report, which follows this one, documents on pages 9–10 that procedures were carried out according to pre-specification with one exception. A method needed to be developed to treat some unusually large variances in the operation called "smoothing." These large variances had not been anticipated. Census Bureau statisticians discussed the method they selected to handle these with the Special Advisory Panel, who also agreed these large variances should be handled separately.

Accuracy: The section on Guideline 1 states reasons why I believe that adjusted numbers are more accurate than the census.

Robustness: "Robustness" refers to the strength of a statistical model, that is, will reasonable variations produce the same results? Census Bureau statisticians examined robustness of components of the adjustment procedures at several levels, as described on pages 10–12 of their report. They simulated alternatives to the model used for imputation of missing data from the PES. There were very little missing data in this survey. The Dual System Estimates of population showed little differences between the model used and the simulated alternative ones.

The robustness of the adjustment model to variations in post-strata by alternatives of census division or state were tested to see if either stratification treatment produced different estimates of state populations. This was done following production of preliminary PES adjustment factors, which showed states within census divisions had similar undercounts. Only 3 states showed differences in population estimates when the poststratification was done by states rather than the pre-specified census divisions. However, this analysis was limited because the PES was not designed to support direct state estimates. Some of the work discussed for Guideline 2 indicated that, in general, the post-stratification was robust.

Company alternative adjustment models which did not use census divisions for stratification, the Undercount Steering Committee felt that alternative methods, though differing, were still more accurate than the census. In effect, any bias in making state estimates by division would be offset by other gains.

As I discussed earlier, the Census Bureau used a "smoothing" procedure to reduce the effect of sampling errors on the adjustment factors. The smoothing model did prove to be sensitive, that is, not robust, to variations in handling of the small number of unusually large variances. There is also concern that different sets of predictor variables could produce a different set of adjustment factors. Thus, the weakness of the pre-specified PES adjustment model is in its sensitivity to changes in the smoothing procedure. (See pages 11–12 of the Census Bureau report). In that report the Undercount Steering Committee says, "The Committee is concerned about the lack of robustness in the strictest sense and potential problems in the smoothing process. On balance, the majority finds there is no evidence to conclude that concerns about the smoothing model would affect their overall assessment about the accuracy of the adjusted numbers. . . The minority cannot conclude that lack of robustness in the smoothing model is a small enough problem not to affect the accuracy of adjusted numbers."

For a final test, statisticians compared the Selected PES adjustment model that used the smoothed variances with two other models that based post-strata on different variables (for example, owner/renter). These two models produced DSEs closer to those in the Selected PES model than to the census.

Guideline 4. The decision whether or not to adjust the 1990 Census should take into account the effects such a decision might have on future census efforts.

Accurate measurement of actions individuals might take 9 years in the future is not possible. We did try to get some "feeling" for the impact a 1991 decision to adjust or not adjust the 1990 census might have on the next census. This was done by contracting with National Opinion Research Center (NORC) for a short telephone survey to recontact persons in a representative national sample of 2,478 households interviewed last year, shortly after the census, for a study of census participation. Both NORC and I agreed that measuring a "what if' situation cannot predict participation in the year 2000 census. What can be measured is a sense of how people feel now about what their participation might be.

NORC was able to complete interviews with persons in 1,612 (or 65 percent) of the households between May 3 and June 3, 1991. Those dates were after release of preliminary PES adjustment figures (on April 18) and before release of the final ones (on June 13).

What the study shows is that the controversy over whether to adjust or not erodes individual intentions to participate, but that intentions to participate would be little different whether the census were to be adjusted or not.[2]

First of all, the survey shows that the adjustment issue is not high in public consciousness or well understood. Only one-quarter (23.4 percent) of persons said they had been or heard anything about the census in the past few months. When probed about what they had seen or heard, only 14.1 percent spontaneously mentioned anything to do with adjustment, undercount or errors in the census count. This overall 14.1 percent level ranged from 7.6 percent of those with less than a high school graduate education to 22.9 percent of those who are college graduates. When told that people are talking about whether or not to adjust the results of the census to correct for errors in counting the population, 22.3 percent then recalled they had seen or heard something about this. Probing questions showed that only 4.9 percent understand the adjustment issue.

Thus for many, the survey itself became the educational tool about the adjustment issue. Table C shows measures of likelihood of participating in the next census. The Initial Measure was the first question in the survey, before any mention of adjustment. There were two Final Measures, one asking about likelihood of participating if the 1990 census were not adjusted and one about likelihood if it were adjusted. While all measures show high intentions of participating in the next census (higher than the proportion who returned mail questionnaires in 1990), there is a drop between the Initial Measure and both Final Measures. Between the two measures, there was explanation of the issue of adjustment, several measures of potential participation under different scenarios for census-taking, and then the Final Measure.

The big dropoff between Initial and Final Measures is among those in the top category. Approximately 40 percent of those who initially said they were "extremely likely to participate" shifted to "very" or "somewhat." About 35 percent of the "very likelys" split to shift both up to "extremely" and down to "somewhat likely to participate."

TABLE C.—PARTICIPATION IN THE NEXT CENSUS

	Initial	Final/not adjust	Final/adjust
Extremely likely	48.5	31.9	33.4
Very Likely	35.8	39.4	42.1
Total extremely and very	84.3	71.3	75.5

[2]National Opinion Research Corporation, *The Potential Impact of Adjusting or Not Adjusting the 1990 Census*, June 19, 1991.

TABLE C.—PARTICIPATION IN THE NEXT CENSUS—Continued

	Initial	Final/not adjust	Final/adjust
Somewhat likely	9.2	18.4	17.2
Not very likely	5.5	8.6	5.3
Don't know/refused	1.0	1.7	2.0
Percent	100	100	100

Note.—Initial measure: How likely is it that your household will participate in the next census? That is, when you receive the next census questionnaire in the mail, how likely is it that a member of your household will fill it out and mail it back? Final measure of likelihood of participating in next census: What if the decision is made to not adjust/adjust the 1990 census figures this year? How likely would your household be to participate in the next census?

Source: NORC, June 10, 1991.

Based on all the data in the survey, my summary is that if the next census were being taken today, the damage to participation comes from the controversy surrounding adjustment rather than what the decision is. Intention to participate is marginally higher if the census is adjusted than if it is not. Three-quarters (75.5 percent) are "extremely or very likely to participate" if the census is adjusted compared to 71.3 percent if it is not. This difference is greater than could be caused by sampling error.[3] However, NORC points out in its conclusions: "While large numbers remain very favorably disposed to participating in the next and future censuses, this intention is a very slippery, ephemeral and changeable one . . . subject to influence by factors like the adjustment decision or, more likely, from the controversy or fallout emanating from the events that follow that decision."

Guideline 5. Any adjustment of the 1990 census may not violate the United States Constitution or Federal statutes.

As I have no legal training, I cannot make a professional judgment on this Guideline.

Guideline 6. There will be a determination whether to adjust the 1990 Census when sufficient data are available, and when analysis of the data is complete enough to make such a determination. If sufficient data and analysis of the data are not available in time to publish adjusted counts by July 15, 1991, a determination will be made not to adjust the 1990 census.

I feel sufficient data now exist to make the decision. The Census Bureau has completed all of the pre-specified evaluation studies of both Demographic Analysis and Post-Enumeration Survey results. The Census Bureau has run adjusted numbers using the PES data three ways: raw data, an initial modification, and finally choosing the Selected PES model as the best adjustment model—given pre-specification in April 1990—that could be evaluated and used to produce adjusted counts by July 15, 1991.

I share with researchers at the Census Bureau the wish that there were more time to evaluate these studies and adjustment models in greater depth. However, it is always the case with research that each exploration suggests future work.

Over the coming years, perhaps even within the current year, Census Bureau statisticians are likely to develop an adjustment model, using the 1990 PES data, which improves on the Selected PES model. However, such a model is more likely to modify than to radically change the population adjustments of the Selected PES model.

New computer tapes with adjusted counts at all jurisdictional levels (PL 94-171 tapes used for redistricting) for 50 states and the District of Columbia will be available July 15.

[3]95 percent confidence level.

Guideline 7. The decision whether or not to adjust the 1990 Census shall take into account the potential disruption of the process of the orderly transfer of political representation likely to be caused by either course of action.

The question of whether or not to adjust the 1990 census count has already caused some disruption. Some states have moved ahead with redistricting while others are waiting for the adjustment decision. Redistricting is always a difficult, and often controversial, process. If the decision is made to adjust, clearly existing plans will require revision, most particularly in the states for which the number of seats in the House of Representatives changes.

The best case scenario is that the decision either to adjust or not adjust affects only redrawing of plans or moving ahead with redistricting. Redistricting is now a computerized process. New and alternative plans can be produced quickly. It is the political negotiations, not the production of redistricting plans, that cause delays.

The worst case scenario would be any court or Congressional action which prevented timely reapportionment and redistricting.

There are suits in court both pro and anti-adjustment, although the suit that has precipitated the July 15, 1991 deadline for decision was brought by plaintiffs with a pro-adjustment position. There will be controversy in Congress whatever the decision. Therefore, I do not think that the decision to adjust is potentially more disruptive than the decision not to adjust.

Guideline 8. The ability to articulate clearly the basis and implications of the decision whether or not to adjust shall be a factor in the decision. The general rationale for the decision will be clearly stated. The technical documentation lying behind the adjustment decision shall be in keeping with professional standards of the statistical community.

The task is to articulate the use of either:

A count with a measured undercount; or

A count with a statistical adjustment to correct undercount.

While explaining the first may be somewhat easier to do in layman's terms than explaining the second, either requires the Secretary of Commerce, the Department of Commerce, the Economics and Statistics Administration and the Bureau of the Census to defend the position taken.

I view articulation of the basis of the decision to adjust or the decision not to adjust as equally challenging. Therefore, this Guideline does not weigh in my recommendation. There will need to be both a layman's and a statistical explanation of either choice.

The Census Bureau has maintained technical documentation of all research and procedures.

I close by repeating what I said at the beginning: I recommend statistical adjustment to improve the accuracy of the 1990 census.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Mr. President, I want to speak in opposition to the amendment offered by the Senator from South Carolina. In effect, what we are arguing about here is whether the statistical models that were later developed by some of the Census and, specifically, the models developed by the Director of the Census, would be any more accurate than the enumeration itself.

It is clear that everybody recognizes that in a count of 253 million people there are going to be miscounts and undercounts and mistakes. I will read from a statement of Secretary Mosbacher regarding that:

I think it is important to note, that, even with the statistical adjustment, there are going to be miscounts. The count is not necessarily more reliable. So whatever model we have, none of them are perfect, but there is nothing that demonstrates that one particular model, or a more recently developed model, is better than the one we were working with before.

In his statement regarding his census decision, Secretary Mosbacher stated that reaching a decision on the adjustment of the 1990 census has been among the most difficult decisions that he has ever made. He went on talking about strong arguments, equity arguments for and against the adjustment. But, basically, the census counts are the basis for the political representation of every American in every State and city across the country. He pointed out that if we changed the counts by computerized or statistical process, we abandon a 200-year tradition of how we actually count people. "Before we take a step of this magnitude," he went on, "we have to be certain that it would make the census better and the distribution of the population more accurate." That is the point. We do not know whether this would make it more accurate or better.

So the Secretary said he found the evidence in support of an adjustment to be inconclusive. He found the evidence to support an adjustment to be unconvincing, and therefore went forward with the 1990 census count as originally enumerated.

The 1990 census count is said to be one of the best ever taken in this country. We did locate over 98 percent of the people living in the United States, as well as the U.S. military personnel living overseas.

There are a number of estimates the Secretary missed. I know the Senator from South Carolina understands that, based on even the estimates of Department of Commerce, a number of groups, including blacks, Hispanics, Asian Pacific islanders, and American Indians, seemed to have been undercounted by varying percentages.

But I think it is important to recognize that the 1990 census—and the Secretary said this—is not the vehicle on which to address a number of equity concerns that are raised by the undercut. So I think it is important to recognize that any one of these models we pick is not perfect. But what we have

now is the best of the overall sets of possible figures and the one that the Department of Commerce went forward with.

We have spoken with the Department of Commerce this afternoon, and Secretary Mosbacher has informed us that if the amendment were to be adopted, it would alter the census statistics, and that Secretary Mosbacher would recommend a veto to the President. The point here is that we do not know that any of these particular models are perfect. In fact, Mr. President, we know that none of these particular models are perfect. None of these particular models are exact. But what we have right now is the best that we can do.

I want to finally point out to the Senate that the Secretary, in his statement with regard to the adjustment of the 1990 census, said that he was requesting that the Census Bureau incorporate the appropriate information leading from the postenumeration survey into its intercessional estimates of the population. In other words, they are going on with a study to determine if we can make improvements, and if we can, 10 years from now move forward.

He pointed out that there was a diversity of opinion among his advisers. The Senator from South Carolina pointed that out in the debate today. There was a special advisory panel; it split as to whether there was convincing evidence that the adjusted counts were more accurate. There was a disagreement among the professionals in the Commerce Department, in the Office of Economic and Statistical Administration, and the Census Bureau.

Overall, these differences were cleared. In the end, the Secretary was compelled to conclude that we cannot proceed on unstable ground in such an important matter of public policy.

So I am hopeful that either the amendment will be defeated or, even better, I believe, would be that the amendment could be in some cases amended or redrawn, so that the appropriate committees of Congress could in fact work through these different models, recognizing that none of them are perfect, and at the same time they are working downtown in the Department of Commerce, trying to determine how to make the next census more accurate.

We also could be working here in the appropriate committees in the Congress, which I think would complement, not compete with, the work to be going on in the Department of Commerce, particularly the Economic and Statistical Administration, and also the Census Bureau. If we in the Congress could be working, and downtown they could be working also, we might be able to find a model that we could all agree would improve the overall result.

Right now, there is no such model. The closest and best we have, in the opinion of the Secretary and in the opinion of the experts, although the experts admittedly are divided, is the one that the Secretary agreed to. I am hopeful that we will not change that agreed-to position today by adopting the amendment of the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unaniomus consent that the distinguished Senator from Hawaii [Mr. AKAKA] and the Senator from South Carolina [Mr. THURMOND] be included as cosponsors on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I also ask unanimous consent that a letter of the U.S. Conference of Mayors to Dr. Barbara Bryant, dated July 26, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNITED STATES
CONFERENCE OF MAYORS,
Washington, DC, July 26, 1991.

Dr. BARBARA BRYANT,
Director, Bureau of the Census, Suitland, MD.

DEAR DR. BRYANT: As you know, The United States Conference of Mayors, representing Mayors of American cities with population exceeding 30,000, have long advocated a statistical correction of the 1990 census. We believe that recent evidence of an historically high undercount necessitates that the most accurate count possible be made of the populations of American cities.

We strongly disagree with Secretary Mosbacher's decision not to readjust the 1990 census. Without a readjustment, American cities are adversely impacted into the next century. Current budgetary constraints and the prospect for continued budgetary austerity on the part of the federal government combined with the reduction in federal dollars to American cities during the decade of the 1980s, have placed enormous hardships on our cities. While federal funds decline, urban needs increase and, as this census shows, cities are losing substantial revenues due to the flight of tax-paying citizens to the suburbs. Thus, a statistical correction becomes the best way to ensure fair federal funding and political representation.

On behalf of the nation's cities, we thank you for your position that a census readjustment can, and should be made. Your position adds to our determination to continue to seek a readjustment to the 1990 census.

Once again, we thank you for your professionalism and look forward to working with you as we prepare for the Year 2000 census.

Sincerely,

RAYMOND L. FLYNN,
President, Mayor of Boston.
DAVID N. DINKINS,
Co-Chair, Census Task Force, Mayor of New York City.
VICTOR ASHE,
Co-Chair, Census Task Force, Mayor of Knoxville.

Mr. HOLLINGS. When the Senator from Wisconsin talks of agreed, that was ordered. There was not any agreement. The agreement was the 72 votes and the recommendation of the special study committee of the professionals. And when they talked of winners and losers, they talked of counts, demography, miscounts, expert procedures, and remedies to try to find minorities and those who were missing persons.

It was only when it got to the Secretary, the Secretary ordered it—he did not agree to it—when he ordered that, that ended it, unless we in the Congress want to agree to let 5.3 million Americans wait another 10 years for the next census to be counted. We spent some $60 million on this model. I just put in the RECORD what Dr. Bryant put in along with the others. The vote was 72 when divided. That is a good 3-to-1 vote. That is a pretty strong recommendation, unless something is there; and all that has been said so far is there have been differences.

We find it is not quite what we want. That is acknowledged and would be acknowledged. In an imperfect world, I do not think we are going to get an exact count, but we can certainly draw nearer to the count and truth with the particular model at hand and not be making the mistake.

That is the point of the Senator from South Carolina. It was not just a wonderful thing, and this was all agreed to. The Secretary of Commerce is the one who politicized about winners and losers because of the fact of the matter, under the model, everybody wins. Every State has more counting but the residents of one State under the proposal of the Senator from Wisconsin is looking at all the other States and saying, wait a minute, they are gaining more than I and that is true of the State of South Carolina.

I have other States that gained more than I. I have States that gained less than I. Everybody is talking about fairness and what you ought to be looking at in that vein and attitude.

I say, on the one hand, let us eliminate waste and quit spending $60 million in the model and let Dr. Bryant and all her personnel go ahead elsewhere after doing a good job and being ignored, and be brought into the realm of winners and losers and politicization of the $60 million expenditure which has been bipartisan up until this particular point. Otherwise, come around with an accurate count of fairness and hear citizens that we know under every realistic approach are not being counted and we are not getting them all yet. We certainly should not have, as Dr. Bryant, says 248 million when it is near 253 million Americans in this country.

So I would plead strongly for the amendment. But let me see if we can reconcile the difference here.

I understand, and I have the highest respect for the distinguished Senator from Wisconsin, who is the chairman of the subcommittee on Governmental Affairs. So that all the colleagues will understand, yes, the Commerce Committee has the confirmation of the dis-

tinguished Secretary of Commerce. Yes, this Subcommittee State-Justice-Commerce has the appropriation for the census. But yes, the Governmental Affairs Committee and the subcommittee of the distinguished Senator from Wisconsin [Mr. KOHL] has the authorization and the expertise on his subcommittee that has been looking into it.

I understand that he is disturbed by the undercount and is ready to submit a substitute amendment for his committee to make a study in conjunction with the Secretary of Commerce and report back within 6 months from now, which is plenty of time—the end of this session, which apparently is going to Thanksgiving and the beginning of the next session, by February 1.

So we do not affect reapportionment this year, but we do something about these cities. These mayors are right, and heaven above, we have cut out revenue sharing, we offloaded everything on to them and said you have to do this and you have to do that, but you have to do this and do that. By the way, the money you have we take from you. Read our lips; we are against taxes.

It is a total irresponsible approach of the National Government. Then to come along with the census and have 5 million mostly in these cities that are undercounted and nothing said for them, I just think it is unforgivable and we have to do something about it. I want to do it in a deliberate fashion.

I would be glad to yield the floor so the distinguished Senator from Wisconsin can submit an amendment or take his position.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 935 TO AMENDMENT NO. 933, AS AMENDED

Mr. KOHL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] proposes an amendment numbered 935 to amendment No. 933, as amended.

Mr. KOHL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "Sec." and insert:

The Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, shall report to the Senate on the use of the postnumeration survey of the 1990 census for purposes other than political apportionment and shall recommend such changes as necessary. Such report shall be made after consultation with the Secretary of Commerce and shall be made by February 1, 1992.

Mr. KOHL. Mr. President, as the distinguished Senator from South Carolina has discussed, we share, along with many other Senators, mutual concerns about the census and how it is going to be used for apportionment of funds and other things.

I raised this issue of Federal funding with Secretary Mosbacher at a hearing I held after he reported to us with respect to reapportionment. He has committed, and I am committed, the Senator from South Carolina is committed, to finding appropriate ways to allocate Federal dollars based on adjusted numbers.

Given the fact that we are talking about $40 to $50 billion, it seems to me and I believe it also seems to the Senator from South Carolina that we need to handle this in a careful and appropriate manner.

What we are going to do if the amendment is adopted is take until February 1 to do that careful evaluation, to have hearings, and to take into consideration all necessary facts so that when we do report back on February 1, we will be able, hopefully, to make a recommendation that will satisfy the needs and the concerns of the Senator from South Carolina, as well as many other Senators.

I also ask unanimous consent that Senator RUDMAN and Senator KASTEN from Wisconsin be made cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Senator MCCAIN be made a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I strongly support the amendment offered by my esteemed colleague the Senator from South Carolina [Mr. HOLLINGS]. Thomas Paine wrote in the "Dissertation on First Principles of Government," 1795, that "The right of voting for Representatives is the primary right by which other rights are protected. To take away this right is to reduce man to slavery, for slavery consists in being subject to the will of another, and he that has not a vote in the election of representatives is in this case."

Although I believe Thomas Paine's argument is reason enough to accept the postenumeration survey results, the General Accounting Office recently determined that there was "gross error in the 1990 census." Further, the GAO determined that the 1990 census missed a minimum of 9.7 million persons.

Every American must be counted and we must do whatever we can to ensure that representative government remains exactly that.

Additionally, I want the record to be clear that should the Senate adopt this amendment, and I hope it will, that any subsequent court decisions on this issue should thoroughly examine the issue of reapportionment in light of the constitutional mandate on the subject and the words of Thomas Paine, and not based on the "political reapportionment" clause of this amendment. Our Founding Fathers made it perfectly clear in the Constitution that congressional apportionment should be based as accurately as possible on the population of our Nation.

I believe it is abundantly clear that the PES figures are more accurate than the original 1990 decennial census. Thus, I believe any court decisions should accept the PES figures and rule on any cases accordingly.

Mr. President, again, I strongly urge my colleagues to support the Hollings amendment.

Mr. HOLLINGS. I take it the pending question would be the Kohl amendment in the nature of a substitute.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment of the Senator from Wisconsin [Mr. KOHL].

The amendment (No. 935) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DECONCINI. Mr. President, I rise in strong support of the Hollings amendment which calls for the use of statistically adjusted figures of the 1990 census for the purpose of determining the allocation of Federal funding. By using the adjusted figures, this amendment will ensure that cities and communities are not penalized by a census which failed to count millions of their residents.

I was deeply disappointed with Secretary Mosbacher's decision not to make a statistical adjustment of the 1990 census in spite of the fact that the postenumeration survey results showed 5 million Americans were missed. Secretary Mosbacher's decision was especially disappointing given the recommendation of the Director of the Census, Dr. Barbara Bryant, to make the statistical adjustment. The PES results confirm doubts about the accuracy of the 1990 census figures and reveal even deeper inaccuracies for particular populations and regional areas. I believe the Hollings amendment addresses the extremely negative consequences the Mosbacher decision would have on communities throughout the country which will not receive their fair share of Federal funding as a result of the Secretary's decision.

Using the statistically adjusted figures to determine the allocation of Federal funding is essential to compensate for the fact that the 1990 census did not include 5 percent of the American Indian population, 5.2 percent of the Hispanic population, and 4.8 percent of the black American population. These figures demonstrate that

the adjusted figures must be used for determining the fair allocation of Federal funds for the next decade.

Mr. AKAKA. Mr. President, it is my pleasure to join my colleague from South Carolina [Mr. HOLLINGS] in cosponsoring this amendment to H.R. 2608, the Commerce, Justice, State, and Judiciary appropriations bill, which would require the Secretary of Commerce to adjust the 1990 census.

On July 15, Commerce Secretary Robert Mosbacher had an opportunity to set things right by making this difficult decision. Instead, he chose to reject the advice of Dr. Barbara Bryant, Director of the Bureau of the Census, and the results of the postenumeration survey, which indicated that 5.3 million Americans were undercounted, and not adjust the 1990 census.

On that occasion, I voiced my strong opposition to his decision on the Senate floor after his announcement. Once more, I would like to reiterate my concerns now.

The Hollings amendment takes a courageous step toward rectifying the inability of the Secretary of Commerce to make tough decisions. The debate before us is not about making things better for the next census; that's a given. The question today is what can we do to make sure that the 5.3 million Americans who were not counted in the 1990 census are heard. It is about fairness; it is about equal representation; it is a matter of simple equity.

My deep concern over the undercount is equally heightened by the number of minorities and the poor who will be disproportionately affected by the unadjusted 1990 figures. Most of these individuals are blacks, Hispanics, Asian-Pacific Islanders, and native Americans. As a native Hawaiian, I can tell you how much an accurate census count means to me.

Let's work on the 2000 census seems to be the convenient catch phrase that administration officials and opponents of a census adjustment seem to be using. I hope my Senate colleagues can see through this facade. The decision by the Department of Commerce to withhold the final results of the postenumeration survey clearly demonstrates the administration's unwillingness to address the concerns of these groups and the concerns of the States and cities which have requested such figures.

Mr. President, we have a chance to ensure that 5.3 million Americans are counted in the 1990 census. I strongly urge my Senate colleagues to follow Senator HOLLINGS' courageous step by adopting this amendment.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman of the subcommittee of Governmental Affairs for his cooperation and assistance in this particular regard.

I know of only one amendment relative to legal services.

Let me urge adoption of the Hollings amendment, as amended, on the census, and I vitiate the yeas and nays.

I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendment, as amended, is agreed to.

The amendment (No. 933), as amended, was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the pending committee amendment be set aside temporarily in order to take up other business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 936

(Purpose: Sense of the Senate with regard to the Metropolitan Detention Center in Sunset Park, Brooklyn, NY)

Mr. HATFIELD. Mr. President, I send an amendment to the desk on behalf of Senator D'AMATO of New York and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. D'AMATO, proposes an amendment numbered 936.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. .

Findings:

(1) the report accompanying H.R. 5021, the fiscal year 1991 appropriations bill for the departments of Commerce, Justice, State, the Judiciary and related agencies, included language regarding the Bureau of Prisons' proposed construction of a Metropolitan Detention Center (MDC) on 29th Street and Third Avenue in the Sunset Park Community of Brooklyn, New York; and

(2) the Senate report urged the Bureau of Prisons to "work closely with the city of New York, other relevant government jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long-range plans while also meeting operating requirements of the Federal criminal justice system." ; and

(3) the report also stated that the committee "believes that plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."; and

(4) no such agreement has been reached.

Therefore, it is the sense of the Senate that the Bureau of Prisons should not proceed with construction of the Brooklyn MDC until it has ascertained that all efforts to reach agreement with State and local government officials have been exhausted, and that the proposed site continues to be the only viable location for a detention center.

Mr. D'AMATO. Mr. President, this amendment is a sense of the Senate that states that the Bureau of Prisons should not proceed with construction of the Brooklyn Metropolitan Detention Center until all efforts to reach agreement with State and local government officials have been exhausted and that the proposed site continues to be the only viable location for a detention center.

The Federal Bureau of Prisons has decided to go ahead with their plans of building a 1,000 bed metropolitan detention center on 29th Street and Third Avenue in the Sunset Park community of Brooklyn, NY.

Last year, Senate report language which accomplished H.R. 5021, the fiscal year 1991 Commerce, Justice, State, and Judiciary appropriations bill, stated "plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."

The report also urges that the Bureau "work closely with the city of New York, other relevant governmental jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long range plans while also meeting operating requirements of the Federal criminal justice system."

According to the Bureau of Prisons, the metropolitan detention center will serve New York and New Jersey, including the areas of Trenton, Newark, Riverhead, and the counties of Kings, New York, Staten Island, Queens, the Bronx, Nassau, and Suffolk. I am hard pressed to believe that all viable options for the detention center's location have been exhausted.

While the Bureau of Prisons has undertaken a search for alternative locations in the Brooklyn community, I strongly urge that additional consideration be given to where this facility will be located. Simply put, a detention facility should be situated where residential neighborhoods would suffer the least impact.

Not only will the detention center be housing dangerous criminals, these criminals will have to be transported over 3 miles in order to appear for court proceedings in the Brooklyn Court District, posing dangerous and unnecessary risks to those who live and work in the surrounding community.

Sunset Park currently is home to, among other things, a methadone center serving all of Brooklyn, a shelter for battered women and their children, four industrial parks, and a sanitation dump. While residents acknowledge the need for an additional detention center in New York City, they feel that Sunset Park already provides enough community services for not only the citizens of Sunset Park but also the larger Brooklyn community.

It is my understanding that this amendment has been cleared on both sides. I thank my colleagues for accepting this important amendment.

Mr. HATFIELD. Mr. President, this is a sense-of-the-Senate resolution urging close cooperation between the New York prison organizations and the Federal Bureau of Prisons in the matter of determining the feasibility of a metropolitan detention center.

This has no budgetary impact. It is a statement suggesting this on behalf of the Senate. It has been cleared on both sides of the aisle, and I would ask that it be agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 936) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. SHELBY). Without objection, it is so ordered.

AMENDMENT NO. 937

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is on behalf of Senator DOLE.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE, proposes an amendment numbered 937.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $150,000 of the funds made available in Fiscal Year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to Project Freedom in Wichita, Kansas, for its Drug Affected Babies Prevention Initiative".

Mr. HATFIELD. Mr. President, this is an amendment to earmark $150,000 within the appropriation—it has no budgetary impact—for a drug-testing center in Kansas.

Mr. President, this has been cleared on both sides of the aisle. I ask that it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 937) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I sought recognition to speak on the issue raised by the distinguished Senator from South Carolina, the chairman of the subcommittee, which has already been modified with a compromise amendment. The compromise that has been agreed to in effect sends this issue back for a study as to whether the postenumeration survey would be used instead of the enumeration count for the purposes of determining allocations of Federal funding, and perhaps for other purposes, since the amendment excludes only political reapportionment.

I heard of this amendment just moments ago and was concerned when I was advised that my State, Pennsylvania, would be a significant loser if the amendment was adopted. I sought, on short order, to acquaint myself with the legal and statistical basis for the action by the Secretary of Commerce on his determination to rely on the 1990 enumeration count.

Mr. President, I would start with the Constitution as a legal basis for an appropriate determination on the census, with article I, section 2, and the language which says:

The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.

So that the Constitution itself, the original text, refers to an actual enumeration and has no provision for any postenumeration survey.

The 14th amendment provides, in section 2:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

So that here again, there is a specific reference to "respective numbers" and a reference to "counting the whole number of persons in each State."

So, on the face of the constitutional provision, we are looking for an actual count.

I had conferred briefly with Dr. Michael Darby, who is the Under Secretary for Economic Affairs and the Administrator of the Economics and Statistical Administration, who advised about the procedures used to come to the determination on the census. There was an exhaustive effort made by the Commerce Department to have an actual count. And, beyond the calculation on those which were returned, there was an effort made to find those who did not actually make the return by having census counters go to houses, check tax records, have administrative housing records checked, and a very exhaustive determination to make an actual count.

The concept of the survey, as an alternative, was tried on the selected postenumeration survey, with a statistical base of one-sixth of 1 percent on a random sample using block clusters in a way which, according to Dr. Darby—who had the ultimate responsibility to make a recommendation to the Secretary of Commerce—had an enormous number of statistical errors and an enormous bias. So that the postenumeration survey was discarded by the Secretary after the exhaustive consideration which he had made.

Mr. President, it is my thought that we really ought not to be revisiting this issue even under the substitute amendment; that there has been a determination made by the Secretary of Commerce in a very elaborate way.

Of course, the substitute amendment is a much preferable course than offering an amendment to the floor, trying to find in short order what is going on. It is extremely difficult to do. Some Members are concerned mainly by who are the winners and who are the losers. Surveys are provided in the well of the Senate, where we look to see how their States come out. But I suggest in a matter of this importance, or for that matter on any issue which comes before the U.S. Senate, there ought to be a close analysis as to what is fair and what is accurate on a census enumeration count, without having to determine it as a matter of which State gains more. We have a responsibility, beyond what windfall may come to our own State based on how the statistics are allocated, to do what is fair and what is just. There has been this very, very elaborate determination.

When I left my office and came to the floor I had expected the initial amend-

ment to be at issue and subject to a rollcall vote. At least I am glad to see we are not going to be voting on this issue this afternoon based on the rush to judgment which comes here, where every Senator has a right, I understand fully, to offer any amendment at any time on any issue under any circumstance. Then it becomes a matter of scurrying around to try to find out something about the underlying facts and underlying procedure on what is being offered in the amendment. That gives us very, very short notice. But in the course of a relatively brief period of time, it seems to me the constitutional mandate is reasonably clear.

When the Constitution, in article I and in the 14th amendment, refers to an actual enumeration, that actual enumeration was done. And then on the survey the statistical analysis was subjected to a great deal of consideration and the survey was rejected. If this matter is to be considered before the Committee on Governmental Affairs, we are going to have to litigate this matter all over. I am prepared to do that if the need arises.

But it seems to this Senator once the Secretary of Commerce has made that determination and there has been litigation on it, in addition, that ought to put the matter to rest. But I emphasize the need for, perhaps, some notice, and opportunity to study these issues in advance where there are such big dollar amounts involved for our States. There is tremendous difficulty in financing affairs. We need to have an opportunity to make a careful analysis and see where the facts lie.

On the brief survey which I have made, I think the law is plain. It should be an actual enumeration, and the survey in summary has so many holes in it that it ought not to be adopted.

If we start to go the course of a post-enumeration survey with all of the statistical assumptions which are made, there is just no limit to what assumptions may be made either on this survey or some further survey, further survey, to the detriment of many people. The court was fairly made, as fairly as it could be, under the actual count.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the first remaining committee amendment, page 9, lines 2 through 5.

AMENDMENT NO. 938

Mr. HELMS. Mr. President, I send this amendment to the desk and then I will ask unanimous consent it be in order to offer this to another committee amendment.

The PRESIDING OFFICER. Is the Senator from North Carolina asking unanimous consent that the pending business temporarily be set aside?

Mr. HELMS. Correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 938 to the committee amendment.

On page 39, line 15, insert after the word "law" a comma and the following: "no person incarcerated in a federal or State penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and, notwithstanding any other provision of law".

Mr. HELMS. Mr. President, let me begin by reading to the Senate a handwritten letter that I received from a hard-working, average citizen of North Carolina, who wrote:

Hon. JESSE HELMS: For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for. At the same time I learn of this, every governing body that affects us has either already raised our taxes or is in the process, claiming that they have cut all spending to the bare bone. The honest hard working taxpayer is being blasted from all sides while the criminal gets light sentences, early release, lawyers paid for, air conditioned cells with color TV and carpet; plus a college education. It is no wonder we're having a crime wave. The better it is made for them, the more crime you're going to get.

Please answer one question for me, Why?

BILLY TETTERTON.

PLYMOUTH, NC.

I might add, Mr. Tetterton is a small businessman who works hard and pays his taxes. He does not understand a lot of things that go on in Washington, DC, just as this Senator does not understand a lot of things that go on in Washington, DC.

Billy Tetterton is the owner of a small restaurant which he has named "The Little Man Restaurant" in Plymouth, NC.

Mr. President, Americans may find it difficult to believe, as, frankly, I did, that criminals are able to receive Pell grants to pay for their college educations while they are in prison. Mr. President, Mr. Tetterton has it right; the American taxpayers are being forced to pay taxes to provide free college tuitions for prisoners at a time when so many law-abiding, tax-paying citizens are struggling to find enough money to send their children to college.

The pending Helms amendment, which is at the desk, would end this anomaly by making incarcerated criminals ineligible for Pell grants.

I would note that the pending bill contains an accepted committee amendment prohibiting the payment of Federal witness fees to prisoners. The committee first approved that prohibition last year, and in this year's report on the pending bill, the committee stated that it, "still believes that incarcerated persons should not receive witness fees."

Mr. President, I agree with the committee on that. However, I also believe that incarcerated persons should not receive Pell grants to pay their college tuition. In H.R. 2707, the Labor, Health and Human Services appropriations bill, the Appropriations Committee proposes spending $5.460 billion on Pell grants in this year alone, which is $14.282 million less than last year.

Discussions concerning this year's reauthorization of the Higher Education Act have also included various proposals to increase maximum Pell grants that a student can receive from the current $2,400 to as much as $4,500. Some are even asking that Pell grants be made an entitlement program, while other proposals would restrict eligibility for the grants to students in the lowest income brackets, a bracket sure to include most prisoners since the majority of them have little, if any, income while they are in prison.

I do not know the total amount of money the Federal Government spends on giving Pell grants to prisoners, but I do have an article, that appeared in a North Carolina newspaper, indicating that it is a significant amount of money, even by Washington standards.

I ask unanimous consent, Mr. President, that this story, published in the Raleigh paper on July 14, be printed in the RECORD at the conclusion of my remarks. The headline of the story is: "Inmates Get Student Aid for College Courses."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, according to the article—and we have checked it for accuracy, and it is accurate—college professors were sent into four prisons in North Carolina to teach 223 inmates this year. Those prisoners, altogether, received a total of $689,246 in student financial aid, $345,000 of which came directly in the form of Pell grants.

How did the inmates obtain so much Federal student aid money? Because the convicts' lack of annual incomes made them eligible for the maximum Pell grant award.

Mr. President, I guess it is lucky for the taxpayers the cost of tuition in this particular college program was less than the $2,400 per prisoner that the taxpayers could have been forced to

fork over. However, the taxpayers were still stuck with paying close to $1,550 per inmate in the program.

The fact remains that the American people still spent $345,000 for just 223 prisoners in four prisons in North Carolina. Multiply that by the 50 States and my colleagues can begin to see what I am talking about. If we want to multiply that amount for all the inmates in every prison across the country who are taking college courses at Federal expense, we are talking about millions upon millions of dollars.

The question is, and Mr. Tetterton raised it, is why a struggling law-abiding man trying to educate his three children must turn around and help the Federal Government subsidize college education for incarcerated prisoners. He is being required, along with other taxpayers, to foot the bill for these prisoners' college tuition while Mr. Tetterton and other Americans like him are forced to take out thousands of dollars in loans to send their own children to college. I do not think this state of affairs can be justified, and I agree with Mr. Tetterton's outrage about it.

Mr. President, it is important that prisoners be made ineligible for Pell grants now. The number of prisoners in this one program in North Carolina jumped from 158 last year to 223 this year. And I say again, multiply that by 50 States. The point is, the word is getting around and we can expect, unless this amendment is approved, that more and more inmates will take advantage of this free college education in the future.

I anticipate that we may hear arguments about prisoner rehabilitation and sundry other concerns about the plight of the poor prisoners. But the fact is, Mr. President, that the Federal Government already spends an enormous amount of money—the taxpayers' money—on prisoner rehabilitation and prison literacy programs, and other programs of that sort.

Congress has already, as a part of the Anti-Drug Abuse Act of 1988, denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. The act also denies any grant, contract, loan, professional license, or commercial license to convicted drug criminals. I see no reason whatsoever why other convicted criminals, including murderers—or especially murderers—should be treated any better or any differently.

Some may argue that the measure of whether a prisoner should get student aid is based on the benefit it provides society; that is to say, does a college diploma change prisoners? The interview conducted by the Raleigh newspaper tells us a little bit about that.

The newspaper interviewed a 65-year-old student prisoner, a man identified as David Ellis. The interview was at least candid and honest. Ellis stated that his college classmates and his college classes seemed like something out of a remedial high school. Ellis went on to say that one student was kicked out of class when he raised his hand during the test, forgetting that he had scribbled cheat notes all over his wrist and his palm.

Mr. President, this 65-year-old student, getting money from Federal taxpayers, observed that many of the inmates were taking the classes just for so-called gain time because for every course that a prisoner passes, the prison knocks 20 days off the inmate's sentence.

Mr. Ellis made one other comment which I think I ought to confess admiration for in terms of its honesty and truthfulness. He said regarding his own tuition assistance, "I really don't deserve this."

Mr. President, this amendment is not intended to be spiteful. It is intended to speak for Mr. Tetterton in Plymouth, NC, and all the other American taxpayers who wonder why they have to borrow money and struggle to send their children to school, while so many prisoners are attending college at Mr. Tetterton's expense.

If one inmate, receiving the largesse of this program, can understand the fundamental moral inconsistency in what the Federal Government is doing—and Mr. Ellis obviously does—then I think that we who claim to represent the people should understand it as well. If we do not, I am confident that the criminals will understand—in fact, I'm sure they do indeed understand—the message that this program sends.

In short, Mr. President, I think our duty in providing Federal funds for student financial assistance, particularly in this era of budget deficits at both the State and Federal levels, is first to satisfy those seeking a college education who are not in prison. Otherwise, we will be sending a message to the public, as Mr. Tetterton put it, that if you commit a crime serious enough to be sent to prison, you can be rewarded with a free college education, something that thousands of taxpaying, law-abiding, hardworking Americans are unable to afford.

I urge the adoption of my amendment.

EXHIBIT 1

INMATES GET STUDENT AID FOR COLLEGE COURSES

(By Billy Warden)

In a drab room heavy with stale air one floor below death row, David Ellis leans forward as if to confide a secret.

"I really don't deserve this," he says.

He's not talking about the life sentence he's serving for first-degree sex offense. He's talking about his education. First, taxpayers put Mr. Ellis in prison. Now they're putting him through college.

Mr. Ellis, 65, entered Central Prison on Nov. 4, 1988. A year later he began going to class in a spartan room, just past a row of cramped steel cages.

Shaw University provides the teachers, the materials and the diplomas. Federal and State aid programs provide the money. Mr. Ellis receives a federal Pell Grant, the chief means of financial aid for poor students, as well as several state grants that benefit the poor.

He points out that most prisoners will one day be back in society and will need a college diploma to lead productive lives.

"These programs," he says, "don't hurt anybody."

But they have rankled many. Lt. Gov. James C. Gardner fired off a letter to Sen. Jesse A. Helms this month opposing grants for prisoners.

"I find it outrageous that our government is paying for what amounts to a free college education for criminals," Mr. Gardner wrote. "It sends the message that if you commit a crime serious enough to be sent to prison you can be rewarded with a free college education, something that many law-abiding citizens cannot afford. * * * I would rather see prisoners apply for student loans and be required to pay * * * the government back."

State Sen. Daniel R. Simpson isn't pleased either.

"I am upset about tuition money going to prisoners when I don't think everyone in this state who isn't in prison and who wants and needs help can get it," says Mr. Simpson a Republican from Morganton.

"First, we've got to satisfy those who aren't in prison. If there's any money left over, and the prisoners want an education, I think that's fine."

Last year, Shaw sent professors into four prisons to teach 223 students. The inmates received $689,246 in aid, all of which went to Shaw. Inmates usually are eligible for the maximum amount allowed through Pell Grants, $2,400 a year. Last year the grants, named for U.S. Sen. Claiborne deB. Pell of Rhode Island, accounted for $345,000 of the aid Shaw received.

DEMAND GROWING

Pell Grants are a federal entitlement program, meaning that a needy college student—generally defined as coming from a family making less than $35,000 a year—probably can get a grant. For the next academic year, the grants are scheduled to go to 3.4 million students.

The amount Congress sets aside for the program and the number of applicants determines the maximum amount of each grant. The current maximum is $2,400.

The problem has been that the maximum has not kept pace with inflation. Poor students often take on several loans to make ends meet. Inmates don't take out loans. As one official in the State Department of Correction put it, "What bank, what business would take the risk of loaning inmates that kind of money?"

Exact figures are not available, but more inmates are lining up for Pell Grants, according to the Chronicle of Higher Education.

At Shaw, the number of prisoners using Pell Grants jumped from 158 in 1989-90 to 223 in 1990-91. The overall rise could hinder efforts to raise the dollar value of the grants by increasing the number of hands grabbing for the dollars.

Many students not in prison are counting on grants. Hasoni Andrews is a junior at N.C. State University who depends on a $7,000 aid package, including a Pell Grant. Last month Ms. Andrews sat before a Congressional committee bemoaning the shortage of grant money.

Is she worried that prisoners using Pell Grants might jeopardize her aid?

"I think the measure of whether prisoners get grants should be what the benefit is to society," she says. "Does a diploma change prisoners, or do they get out and go back to crime?"

GETTING OUT, STAYING OUT

"Nobody," Robert Powell proudly says, "Nobody who graduated from one of our programs and got out is back in prison."

Dr. Powell is the assistant academic affairs officer at Shaw and co-founder of the prison program. In 1983, Shaw, a private, historically black college in downtown Raleigh, started offering a two-year Associate of Arts degree and a four-year bachelor's degree in business management at the N.C. Correctional Institute for Women in Raleigh.

Shaw now offers associate degrees at Central Prison, bachelor's degrees at the Harnett and Eastern correctional institutes, and associate and bachelor's degrees at women's prison.

Since 1983, 167 inmates have received associate or bachelor's degrees from Shaw at ceremonies on prison grounds. But only a handful of the graduates have been released.

Education directors at the prisons say that as far as they know, none of the graduates released since the mid-1980s has returned to prison. If they're right, that's a zero recidivism rate. The average rate of recidivism in North Carolina is about 33 percent.

Massachusetts also gives prisoners free college educations. The overall recidivism rate there is 50 percent. For men who earn degrees in prison, it's about 10 percent.

Ex-convicts at least have a chance with a degree, Dr. Powell says.

As soon as the prison program comes up, Dr. Powell turns from bureaucrat to impassioned advocate.

"Helping the downtrodden is a part of this university's mission," he says.

The prison program is misunderstood and underappreciated, he thinks.

"We're a black institution," he says brusquely. "The prison is where the black male is. If you want to educate the black men, if you want to reclaim that talent out there, you have to go into the prisons.

"Look, man, it took us a long time to get inside those walls. People told us it would never work. But it does work, Shaw is on the cutting edge."

A BETTER PERSON?

Far from being cutting edge, Mr. Ellis says his first year of Shaw classes seemed like something out of a remedial high school.

One student was kicked out of class when he raised his hand during a test, forgetting that he had scribbled cheat notes all over his wrist and palm.

Many of Mr. Ellis' classmates were in it just for "gain time." For every course a prisoner passes, the Department of Correction knocks 20 days off the inmate's sentence.

Mr. Ellis took four classes. Each class met once a week from 6:20 p.m. to 9 p.m.

After class, Mr. Ellis found himself and his classmates ostracized by other inmates. "The men in the program are looked down on," he says. "People say, 'Oh, you're a sissy,' The black men tell the black students, 'That's a white thing to do.'"

By the second year, the slackers had flunked out or dropped out. The homework that Mr. Ellis took back to his cell got tougher. Shaw's classes aren't as "intensive" as he would like, but Mr. Ellis says he is learning.

Both UNC-Chapel Hill and N.C. State University accept course credits from Shaw, but not all the program's graduates feel particularly erudite.

"I didn't learn a lot," says Lynn Adams, 28. "What you learn you can't really apply to the real world. It's not college-level education. It's more for people who just got their high school GED and want to learn a little more."

Another graduate feels she pushed her life forward with the courses she took at women's prison. Because she wants a "normal life," she would not speak for attribution.

She left prison in 1988 with a bachelor's degree from Shaw. She was trying to start over after being convicted of second-degree murder and serving five years. "I was devastated going into prison," she says. "Being in the Shaw program, I didn't feel so isolated anymore; I got self-esteem."

A month after going free, she landed a job as an administrative assistant. She makes $20,000 a year, $5,000 more than she made before going to prison. She got a loan and bought a house. She now supports her high school-age daughter and is working toward a master's degree in public administration.

"I don't think that when I got out, I would have turned to a life of crime without a degree," she says. "But it kept the focus on the positive, and now I can teach my children about striving to be a better person."

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATFIELD. Will the Senator yield first before that request?

Mr. HELMS. Yes, certainly.

Mr. HATFIELD. As the Senator knows, we have a great difficulty in the whole appropriations process keeping our 13 bills on track and maintaining the integrity of each one of those bills. I am wondering if the Senator would be willing to consider this, or raise this as it comes to our appropriations subcommittee on Labor-HHS. That is the Labor, Health, and Human Services education bill. That is where the Pell grant money is funded, not under this bill.

This bill really has no relevance to, I believe, what the Senator is trying to accomplish because in the Labor-HHS subcommittee that we will be reporting soon—in fact we have sent it to the floor. That bill has been sent out of our committee. It is now on the calendar here in the Senate.

I do not know what the leadership's schedule is to take it up, whether it is going to be taken up before the August recess or after. But nevertheless, the full appropriations committee has reported it to the floor. It is in that bill that we have the account relating to the Pell grants.

Therefore, it seems to me, since it is a matter of appropriation, ought to be addressed on that bill. Or the Senator would have a second possibility. That is, we are going to be getting the reauthorization of the Higher Education Act which authorizes the Pell grants.

What I am suggesting is the Senator is dealing with an authorization for certain use of the Pell grants that seems to me would be better taken up on the authorization bill, or if it is to restrict the spending of the Pell grant account, the moneys that we appropriate to the Pell grants, it seems to me this would still be a better vehicle than on State, Justice, Commerce. I understand the Senator understands and feels this because the prisons are administered under the Justice Department. But basically we do not appropriate those moneys and those Pell grants are not granted to the Justice Department. They are granted to the individuals. It is a pass-through from the Labor-HHS appropriations account.

All I am trying to do is not address the merits of the case or the substantive issue the Senator raises and legitimately is his right to do. I am just urging the Senator, as one who wrestles with the inner workings of the appropriations process, try to keep on the right track and not legislate on appropriations bills and all that, to consider withdrawing it at this time and then possibly raising it under the Labor-HHS appropriations bill where we really have the account to which he is trying to reach to make a restriction, or on the Higher Education Authorization Act which would again put a restriction on the authorizing of the Pell grant moneys that we appropriate.

Mr. HELMS. I will say to the Senator that I may do it on all three. I am trying to get the Senate's attention, and I will say to the Senator that this appropriations bill has money for prison expenses in it. We will address the Pell grants again and again maybe.

I think we need to send a message whenever we can. It will not take long to vote on this, and let Senators express themselves one way or another on it. That is the reason for my offering the amendment. I am not going to lecture the distinguished Senator from Oregon on the uniqueness of the Senate, because he knows it better than I do. But that is the reason we have the right of nongermane amendments; even if this amendment were nongermane under the Senate rules, it does not matter. A lot of things we do around here are intended to send a message. I want to send one of this because I agree with Mr. Tetterton down in Plymouth, NC.

Now, if we do not get the Senate's attention on this one, sure, we will come back on one or both of the other two pieces of legislation that the Senator has identified.

Mr. HATFIELD. I am really not talking strategy as much as I am trying to——

Mr. HELMS. I know the Senator is not.

Mr. HATFIELD. Indicate the procedure that keeps the appropriations process both accountable as well as I think more effective in its functioning, to try to keep these addressed within the context of 13 separate bills. That is all I am suggesting is the procedure.

Mr. HELMS. I understand. I understand.

Mr. HATFIELD. I am not arguing the rights of the Senator nor the merits of his case, or the signal, or the strategy of making his message heard. I am sure already people have heard the Senator's message.

Mr. HELMS. I understand.

Mr. HATFIELD. I am, as an unbiased appropriator, trying to keep our system somewhat in some logical, reasonable process.

Mr. HELMS. I understand, and I thank the Senator.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. HELMS. You bet.

Mr. HOLLINGS. As an individual Senator, I would agree with the thrust of this amendment. I see the distinguished Senator from Rhode Island, for whom these grants are named, Senator PELL, and he will be speaking. Let me state why, as an individual Senator, I support the amendment and then why I cannot accept it as the manager.

With respect to Pell grants, as the Senator from Rhode Island will tell us, I know that we have been cut back. I know that when the presentation was made about increasing Head Start, we took money out of Pell grants and higher education to increase that particular program in an effort to keep the measure what they call revenue neutral. So we are not providing the amount for Pell grants that I would want right now. And, in that light, and in the light of trying to maintain credibility of the Pell Grant Program, and trying to extend it, trying to embellish it, trying to increase it, I would agree with the Senator from North Carolina. You cannot defend 65-year-olds under a life sentence, being sent a college professor for him to study these nice programs and everything else when law-abiding citizens are not afforded that opportunity.

Mr. HELMS. That is exactly the point.

Mr. HOLLINGS. That is exactly the point.

However, I agree with the senior Senator from Oregon. The Senator's amendment does not refer to anything in our bill. It happens to have the word "prisons" but there is no money. There is the appropriations for prisons. And the Senator's restriction does not restrict anything within this appropriations bill. If it goes on another bill—I and the Senator from Oregon are both members of the Labor, Health and Human Resources Subcommittee of Appropriations. The Senator will find me with him if we come back then or whenever—if not on this, supporting him in that regard—because I believe in the Pell grants and maintaining their credibility. I think they do an outstanding job.

I know the struggle that Senator PELL and this Senator from South Carolina is having in getting more money for student financial aid. We are all talking about being education Senators and Presidents, but we are not providing the money.

I believe in education in prisons, but not at the higher education level. At the high school level, there is a need that we see as Governors administering prisons. It is the only way we are going to have to cut down on the recidivism and make them useful citizens—that is to teach them to read and write.

When I was Governor, 90 percent of my prisoners in South Carolina were illiterate. So I immediately sent in teachers there. I graduated them all the way from high school. I can see them getting that kind of education.

While I support the Senator from North Carolina's intent, the amendment does not belong on this bill. It is not a restriction of any kind on any dollar appropriated in this particular State, Justice, Commerce appropriations, bill. You might as well put in a bill with relation to the Pentagon and the B–2 bomber, and say we ought not to be spending money on the B–2 bomber under the provisions of the defense act, whatever it is.

There is nothing in this bill before us now relating to Pell grants. So, as the manager of the bill I would urge sincerely that the Senator look to see whether he wants to press the point here or more legitimately press the point on the appropriations bill which contains funding for Pell grants.

Mr. HELMS. I thank the Senator. Let me parenthetically say that I myself have managed bills year after year—the Senator and I—and we use the same argument. Do not put it on my bill; put it on another bill. I understand that.

But let me read page 35 of the report for the Departments of Commerce, Justice and State, the Judiciary and related agencies appropriations bill for fiscal year 1992 to show that the committee has already gotten its feet wet. At the bottom of the page it says:

> In section 110, the Committee has included bill language which continues in 1992 the prohibition on payment of witness fees to incarcerated persons testifying in Federal cases.

I have already alluded to that. The committee continues to believe that an incarcerated person should not receive witness fees.

This is the first cousin; this is a benefit that is being denied when incarcerated people are denied witness fees.

Mr. HOLLINGS. Of course, we provide funding for witness fees in this bill.

Mr. HELMS. Yes. The bill also provides money for the operation of the Federal prisons.

Mr. HOLLINGS. That is right; but, there are no Pell grant moneys for education.

Mr. HELMS. I understand. Let me make the point. Maybe the wardens and anybody else connected with the prisons will not be so enthusiastic about running out to some college and say come in here and give a 65-year-old man a free college degree. Maybe they will understand that the Senate of the United States has spoken on this business, that we do not like it, if indeed the Senate does approve my amendment.

I do not know whether the Senate is going to approve my amendment. But I will be interested in hearing somebody explain—when they go home—why they voted against the amendment.

I tell you what. Let me hear from Senator PELL, and we will then talk further about this.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, thank you. I have the greatest respect, yes, I say affection, for the Senator from North Carolina, but this is one of the areas where we must agree to disagree.

I think the real strength of our Nation is the sum total of the education of the people. To my mind, the reason for educating our people is not to give them little social kudos. The reason to educate them is because they add to the strength of our Nation as a whole. If you can take some of the people who are in prisons now—we have 1 million young Americans presently behind bars—if you can take some of them and educate them a bit more, the chances of ricidivism, going back to jail afterward, will be less.

Of course, it costs more to send a young man or young woman to jail than it does to Yale, to make a bad pun. It is a very, very expensive operation. Anything that can be done to reduce the rate of recidivism is to the advantage of the unfortunate taxpayers.

I know in my own State I have done all that I can to urge prisoners to take advantage of some of the courses in the junior colleges—maybe some not very glamorous, not French literature—but they may be automobile mechanics and things of that sort, but they learn something. They should do it. We have been urging them to do it because the cost to the taxpayer is less in the end and the improvement in the young man is such that he is less likely to go back.

I believe the rate of recidivism is something like 70 percent, something in that range. This should be reduced. Jails have become schools for crime. What we should do when people are there is educate them a bit more.

So for this reason I think it would be an error to prohibit any opportunity for further education for people incarcerated. To prohibit that—to deny that—would go against our national interest.

Mr. HELMS. Mr. President, I thank my friend and the chairman of the Foreign Relations Committee. Obviously I am the ranking member. We have a de-

lightful relationship. He is a good chairman and a good Senator, but he has made my point. At least he has made Mr. Tetterton's point.

Let me read part of Mr. Tetterton's letter again:

For the past 6 or so years we've been trying to get 3 children thru college. (At one point all 3 at the same time.) Now I find out there was an easy way to have accomplished this. I could have bought each one a gun and sent them out to commit a crime and their education probably would have been paid for.

It is not novel to deny Pell grants to prisoners. As I said earlier, Congress has already—as part of the Anti-Drug Abuse Act of 1988—denied Pell grants and numerous other Federal benefits to individuals who are convicted of possessing or trafficking in drugs. There are some crimes that are equal to trafficking in drugs. I cannot think of one except murder, but it depends on your priorities.

Mr. Tetterton raised this question to me and I am raising it for him. Why does he have to work and slave to make enough and borrow enough money to send his three children to college, while guys sitting in prison take free college courses almost as a lark and then get a reduction in their sentences to boot.

There are not three Senators in this Chamber whom I admire more, or have a better relationship with, than the two managers of this bill and my friend from Rhode Island, Senator PELL.

But I just think it is a principle that we need to pass on and, if it does not work here, I am going to keep on trying because I think this state of affairs is wrong. You may teach inmates how to fix automobiles, you may teach them how to write, certainly how to read—and the Federal Government funds such programs—but a college education free of charge? No, sir. I just do not think that is right, and I think Mr. Tetterton is exactly right, that such a policy is an outrage.

Mr. President, were the yeas and nays ordered on my amendment?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. HELMS. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I thank my friends from Rhode Island, South Carolina, and Oregon, respectfully.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I listened carefully to the arguments of my colleague from North Carolina, and he makes a very good point. I wish all of our citizens could be educated. But the point I still make is that, from the viewpoint of the taxpayer and the viewpoint of the Nation, if there is anything we can do to avoid the recidivism and the cost of people being in jail, that would be, I think, a good thing, and I believe that the more people who leave jail with some kind of skill or education, the better off we are. But this is a point of disagreement.

My intention, when the Senator comes in, is to move to table. I will not do so until he is here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HELMS. Mr. President, I object, temporarily.

The PRESIDING OFFICER. Objection is heard.

The bill clerk continued calling the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Helms amendment.

Mr. PELL. Mr. President, I move to table that amendment, and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. KOHL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Minnesota [Mr. WELLSTONE] is necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—38

Adams	Cochran	Glenn
Akaka	Conrad	Gore
Biden	Cranston	Harkin
Bingaman	Danforth	Hatfield
Bradley	Daschle	Inouye
Chafee	Durenberger	Jeffords
Kassebaum	Mitchell	Simon
Kennedy	Moynihan	Specter
Kerry	Pell	Stevens
Lautenberg	Robb	Wallop
Leahy	Rockefeller	Wirth
Lugar	Sanford	Wofford
Metzenbaum	Sarbanes	

NAYS—60

Baucus	Exon	McCain
Bentsen	Ford	McConnell
Bond	Fowler	Mikulski
Boren	Garn	Murkowski
Breaux	Gorton	Nickles
Brown	Graham	Nunn
Bryan	Gramm	Packwood
Bumpers	Grassley	Pressler
Burdick	Hatch	Reid
Burns	Heflin	Riegle
Byrd	Helms	Roth
Coats	Hollings	Rudman
Cohen	Johnston	Sasser
Craig	Kasten	Seymour
D'Amato	Kerrey	Shelby
DeConcini	Kohl	Simpson
Dixon	Levin	Smith
Dodd	Lieberman	Symms
Dole	Lott	Thurmond
Domenici	Mack	Warner

NOT VOTING—2

Pryor	Wellstone

So, the motion to table the amendment (No. 938) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. HATFIELD].

Mr. HATFIELD. Mr. President, I ask unanimous consent that the yeas and nays on the Helms amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there any further debate?

If not, the question is on agreeing to amendment No. 938.

The amendment (No. 938) was agreed to.

AMENDMENT NO. 939

(Purpose: To protect health care professionals from infection with the etiologic agent for the human immunodeficiency virus)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 939.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 5, insert after the word "expenses" a semicolon and the following:

"SEC. . (a) Notwithstanding any other provision of law, a State shall, not later than

one year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations, or has enacted legislation, to protect licensed health care professionals from contracting the human immunodeficiency virus and the hepatitis B virus during the performance of exposure prone invasive procedures.

"(b) The regulations or legislation referred to in subsection (a) shall permit licensed health care professionals to require that, prior to the commencement of or during the conduct of an exposure prone invasive procedure, a patient may be tested for the etiologic agent for the human immunodeficiency virus. Such regulations or legislation shall not apply in emergency situations when the patient's life is in danger.

"(c)(1) The result of tests conducted under subsection (b) shall be confidential and shall not be released to any other party without the prior written consent of the patient.

"(2) The regulations or legislation referred to in subsection (2) shall contain enforcement provisions that subject an individual who violates the provisions of paragraph (c)(1) to a $10,000 fine or a prision term of not more than one year for each such violation.

"(d) Except as provided in subsection (e), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health Service Act (42 U.S.C. 301 et seq.) until such certification is provided.

"(e) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State, if—

"(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a); and

"(2) the State legislature of such State meets on a biennial basis and has not met within the one-year period beginning on the date of enactment of this Act.

"(f) As used in this section, the term 'exposure prone invasive procedure' means such procedures as listed in guildeline promulgated by the centers for Disease Control concerning recommendations for preventing the transmission by health care professionals, of the human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures."

Mr. HELMS. Mr. President, this amendment is keeping a promise which fulfills my assurance to the Nation's licensed health care professionals that I made July 18 when 89 Senators supported my amendment requiring health care professionals who know they have AIDS to inform their patients before performing invasive medical procedures. I said then that we would make it a two-way street, and with this amendment I am endeavoring to do that. When the Senate passed the Helms amendment on July 18, I emphasized that the work was not finished and this pending amendment closes the loop, as far as I am concerned.

The Helms amendment required the States to create regulations or pass legislation to allow licensed health care professionals who perform exposure-prone invasive procedures to test their patients for the presence of the AIDS virus both before and during the procedure. This amendment contains an exception which precludes a doctor or other health care worker from requiring a test if there is an emergency during which the patient's life may be in danger.

The information obtained from this AIDS test is confidential and may not be distributed to any agency or third party without prior written consent of the patient. Failure to comply with the confidentiality provisions of this amendment will result in a fine of up to $10,000 or up to 1 year in prison. Under this amendment, both the safety of the health care professional and the privacy of the patient are protected.

This amendment also uses as an enforcement mechanism a proposal first offered by the distinguished Republican leader, Mr. DOLE, on July 18. The Helms amendment, as the Dole amendment did before it, ties passage of these health worker protection measures to the receipt of moneys under the Public Health Service Act. If the States do not protect the doctors and the nurses, they will not receive assistance under the Public Health Service Act.

Let me say this for the record. The Helms amendment does not, does not, require mandatory patient testing. It leaves to the discretion of the doctor, the nurse, clinic, or the hospital as to whether or not and AIDS test will be performed on the blood of a patient about to undergo what the Centers for Disease Control determine to be an exposure prone invasive procedure.

Mr. President, on July 18, Senator HATCH, the distinguished Senator from Utah, noted that over 6,000 health care workers, doctors, dentists, and nurses have contracted AIDS. More than 40 of them have died. Yet, attempts to protect these men and women through the disclosure of the HIV status of their patients have been hooted down by the AIDS lobby as a threat to the so-called civil rights of this or that group. If I may borrow a favorite word from the lexicon of the distinguished senior Senator from Massachusetts [Mr. KENNEDY], "nonsense."

Let me say parenthetically that I speak here and act here today as the father of a health care worker. Nancy Helms Stuart heads one of the departments at Rex Hospital in Raleigh. She is a registered nurse, as I say, and I want her protected. That is one of my major motivations, frankly, for pushing this amendment today, because, Mr. President, how many more doctors and patients will have to die in the stampede to appease that outfit known as ACT-UP, the National Gay and Lesbian Task Force, and the ACLU. Enough is enough.

A newspaper in my State, the Charlotte Observer, laid out the case for patient disclosure in an editorial on July 22 supporting my first AIDS proposal.

Let me quote what the Charlotte Observer said:

The health professionals who are often splashed with blood, stuck with needles or cut with scalpels are at a much greater risk than the patients. The routine use of protective procedures is essential, but knowledge of the patient's condition is an invaluable safeguard. The Senate bill—

And they were referring to my AIDS amendment on July 18—

makes no provisions for patients undergoing invasive procedures. It should.

Then the Charlotte Observer continued:

AIDS is the first lethal communicable disease in American history that has been treated as a secret disease. Testing is no guarantee: A person can be infected with HIV, the virus that causes AIDS, for months with no sign of it. But the fact a test cannot tell everything does not diminish the value of what they can tell. A lot of unnecessary testing may be done but tests wouldn't have to prevent many AIDS infections to pay back the cost.

By the way, the Charlotte Observer conducted a poll on July 17 and found that 93 percent of North Carolinians believe that a doctor should tell a patient if he or she, the doctor, has AIDS. The same poll also found that the same number of North Carolinians believe that a patient should tell a doctor if he or she, the patient, is infected with AIDS. And a June 20 Gallup Poll found that 97 percent of Americans believe that an infected patient should tell a doctor if he or she has AIDS. As usual, the people are ahead of the politicians.

Mr. President, during the debate on the first Helms AIDS amendment, the chairman of the Labor and Human Resources Committee charged that this Senator was doing nothing to protect the thousands of health care workers who are exposed to the deadly AIDS virus every day of their lives. Well, I will respond to the able Senator from Massachusetts in two ways.

First, let me say again I think I care more about medical workers than just about any other Member of the Senate. I refer again to my daughter, Nancy Helms Stuart, who is a registered nurse in Raleigh. Her life and safety, of course, are very dear to me. She is the apple of my eye. I worry about her. And I want her protected because she has on a number of occasions been put at risk by patients with AIDS whose conditions was hidden from doctors and nurses because the law treats AIDS as a political issue rather than a public health issue.

According to the Centers for Disease Control, 1,358 nurses across this country have AIDS.

For 6 years I have stood on this floor and watched common sense and Federal dollars being thrown to the winds to appease the appetite of the AIDS lobby and the political movement driving it.

Take a look at the current Labor-HHS appropriations bill. What disease has its own chapter in that report? Just one. Not cancer, which kills hundreds of thousands. Not heart disease, the Nation's leading killer. Of course

that one disease that has a chapter is AIDS. And according to the report in front of me the Federal Government will spend $4.4 billion to fight it. Yet each day a new Kimberly Bergalis appears and each day doctors and nurses like Nancy Helms Stuart, my daughter, remain in danger while politicians sit on their hands and throw money and words at the issue.

Now, I repeat what I said on July 18. The Senate Labor Subcommittee is chaired by the Senator from Massachusetts, and so far as is perceptible to me and other Senators, that committee has done absolutely nothing to protect the rights and lives of patients and health care workers. Here is Senator KENNEDY's chance to stand up and do something positive, something that the American people support.

Senators need not worry about Helms requiring mandatory testing. It is not in the amendment. Thus they do not have to worry about the privacy of people with AIDS. There are stiff penalties for anyone who discloses the HIV status of an AIDS patient.

Well, some Senators may say, we adopted the Dole amendment which requires universal precautions to prevent the spread of AIDS from the doctor to the patient, and that is good enough.

It is not good enough. The Charlotte Observer put it exactly right: "It is not good enough." Knowledge of the patient's condition is the safeguard which this Helms amendment provides. If that knowledge leads just one nurse to be extra careful, thereby avoiding the prick of an infected needle, then I will consider that my promise on July 18 has been fulfilled.

I urge the adoption of the amendment, of course, Mr. President, and I ask unanimous consent that three articles to which I have alluded, two from the Charlotte Observer and one from the Fayetteville Observer Times and a chart showing the number of health care workers with AIDS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, July 22, 1991]

DOCTORS AND AIDS

Ask yourself the fundamental question: If your doctor has AIDS and knows it, should he or she tell you? Answer yes? We did. Sen. Jesse Helms wants to require that disclosure by law, with long prison terms and big fines for doctors who know and don't tell. His proposal passed the Senate 81–18 last week, but its future in the House is unclear.

But Sen. Helms and Congress for once are moving in similar directions. The Senate unanimously passed a bill the House is likely to approve. It would virtually order states to require health professionals involved in invasive procedures (surgery, etc) to be tested for the AIDS virus. Those who test positive would be required to stop performing invasive procedures unless a panel of experts approved them, and to tell patients of their condition.

Though some patients are worried, there's hardly any danger of getting AIDS in an operating room or dentist's chair. But as the disease spreads, the odds may worsen. Now there are frequent reports of AIDS-infected surgeons and dentists who didn't tell their patients.

The American Medical and American Dental Associations now says surgeons and dentists infected with HIV have an ethical obligation to tell their patients. That's not enough. The protection of the public shouldn't depend solely on the ethics of the profession.

Health professionals are worried, too, As Dr. Francis Robicsek, a renowned Charlotte heart surgeon, said, "We are the ones who are in blood up to our elbows." In fact, health professionals who are often splashed with blood, stuck with needles or cut with scalpels are at much greater risk than patients. The routine use of protective procedures is essential, but knowledge of the patient's condition is an invaluable safeguard. The Senate bill makes no provision for patients undergoing invasive procedures. it should.

AIDS is the first lethal communicable disease in American history that has been treated as a secret disease. Nobody knows how to cure it, but ignorance certainly won't help stop the spread of it. Testing is no guarantee: A person can be infected with HIV, the virus that causes AIDS, for months with no sign of it. But the fact that tests can't tell everything doesn't diminish the value of what they can't tell. A lot of unnecessary testing may be done, but tests wouldn't have to prevent many AIDS infections to pay back their cost.

To date, much of the debate has been over whether there should be any mandatory testing. The Senate bill, by writing into law the recommendations of the Centers for Disease Control, would settle that. Now the task is to determine how to use testing in the way most beneficial to public health.

[From the Charlotte Observer, July 21, 1991]

DOC, DON'T LECTURE ME ON AIDS

(By Allen Norwood)

I recently had lunch with two Charlotte doctors and an emergency medical services director from a nearby county.

They weren't armchair experts. They were lifesaving soldiers on the front lines.

And all three said they wouldn't perform CPR on a sick or injured stranger without a breathing tube or other protective device to prevent direct mouth-to-mouth contact.

If they saw a stranger lying on the sidewalk, they agreed, they wouldn't bend and put their lips directly to his.

The three didn't stand up and loudly proclaim they wouldn't perform CPR. Theirs was a thoughtful discussion about the dangers, after which they reached a consensus.

Still, I was stunned.

The medical establishment, citing odds, tries to make the rest of us feel guilty about our fear of AIDS.

And pros I respect hugely won't perform CPR without protection?

Last week, the U.S. Senate endorsed an amendment by Sen. Jesse Helms, R-N.C., that would fine and jail health-care workers who don't tell patients they have AIDS.

Helms' proposal might be unenforceable. But he's correct about the most important point: Having certain contact with others without informing them you carry the AIDS virus is a crime.

Helms' bill was opposed by the American Medical Association and the American Civil Liberties Union. Opponents cited minuscule odds of catching AIDS, and accused Helms of playing on irrational fears.

Irrational—like the same fears that keep medical experts from performing CPR.

Also last week, the Centers for Disease Control recommended that doctors and dentists who do certain procedures, such as surgery or pulling teeth, should get AIDS tests and stop doing such procedures if they're infected.

Predictably, doctors said they didn't like the CDC guidelines.

"You're not going to get voluntary compliance among health-care workers unless all patients can be tested," said Dr. Jared Schwartz, a Charlotte pathologist active on AIDS committees.

Fine. Test me.

Doctors, with their hands in the blood of drug users, are in more danger from patients than the other way around.

Just don't lecture me—if the people who're supposed to save lives won't perform CPR.

I called Dr. Michael Thomason, a surgeon at Carolinas Medical Center and one of the health-care workers at that lunch table.

"Do you understand how patronizing it sounded to hear you wouldn't perform CPR," I asked, "after all these years of being preached to by the AMA, the CDC and others that my fears about AIDS are unfounded?"

He paused a moment, then said, "I do."

Thomason and his colleagues take precautions and operate on those with AIDS every day. But he said each doctor must measure the risk and make decisions about protecting his or her own family.

Exactly like the rest of us.

"If I clearly saw I could save a life, if a little lady in a shopping center clutched her chest and fell over," he said, "I would do CRP on that lady.

"If it was a shooting on a street where the odds were that the victim was a drug user, no.

"Yes, the odds are low. But once you catch this particular virus, it's basically a death sentence."

Exactly.

[From the Fayetteville Observer-Times]

HELMS IS RIGHT ABOUT AIDS

Sen. Jesse Helms is being afflicted with a good deal of unfair and illogical criticism of his proposal to hit HIV-positive medical care workers with criminal penalties if they fail to inform their patients.

Most specious is the argument that health-care workers who have learned that they have the human immunodeficiency virus and are thus almost certain to develop a full-blown case of acquired immune deficiency syndrome will be unmoved by the possibility of $10,000 fine and 10 years in prison.

This idea is that anyone who has just received a death sentence is unlikely to be motivated to do anything by the possibility of prison or a fine.

That idea is kept alive by its strong emotional appeal, but it has little basis in fact.

First, many years may separate infection with HIV and the appearance of AIDS. Those are years that no sane person would want to spend in federal prison. Second, even if AIDS appeared immediately, a few people yearn to die in a prison hospital. Third, HIV-positive health-care workers are unlikely to want to fork over to the state money they could spend on treatment.

It is obvious, then, that the fine and prison sentence retain their deterrent value for people who have received the indeterminate death sentence of a positive test for HIV. But opponents further argue that its effect will be to drive medical care workers "underground" as they seek to evade testing. That

is equivalent to arguing that criminal penalties do not suppress criminal behavior.

Most unfair is the argument that the Republican senator from North Carolina is just grandstanding at the expense of a thoroughly responsible medical care community that has always been adequately concerned about protecting its patients from infection.

Many doctors may be concerned about their patients first and foremost. But there are well-publicized cases of doctors who concealed the fact of the HIV-positive tests from their patients for the obvious reason that disclosing it would have destroyed a lucrative practice. One has even gone to court to protect his privacy and did not of his own volition seek to warn his many former patients, a burden that was assumed by the hospital at which he worked.

It is true that the likelihood that an HIV-infected doctor or dentist will infect his patients is apparently very small, but it is real. The ethical obligation of the infected caregiver to inform those whom he is putting at risk so that they can make a free decision about whether to take the small risk of continuing to do business with him is clear.

Failure to do so is killing people, as the case of Kimberly Bergalis demonstrates.

Criminal penalties are an entirely appropriate response to an outbreak of willfully reckless behavior that endangers the lives of innocent people, whether that behavior is drunken driving or failure to disclose an HIV infection to one's patients.

It is not grandstanding to insist on doing something that promises to be effective about a real and apparently growing problem.

WHERE THE CASES ARE

Here's a breakdown, by profession, of all reported cases of AIDS in health-care workers since the epidemic began in the early 1980s.

Profession:	*AIDS cases*
Nurses	1,358
Health aides	1,101
Technicians	941
Physicians	703
Paramedics	116
Therapists	319
Dentists and hygienists	171
Surgeons	47
Miscellaneous health workers (social workers, administrators, etc.)	1,680
Total	6,436

Source: CDC data as of March 31, 1991.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chair recognizes Senator HOLLINGS.

Mr. HOLLINGS. Mr. President, here we go again with a little bit of mischief.

Mr. President, I think the body should understand—I am sure the Senator from Massachusetts momentarily will come to the floor because he is not only experienced in this particular health measure, but I think he has already worked out a compromise within his committee—our Health and Human Resources Committee. Authorization for matters of this kind is within his jurisdiction, and I am confident he has already worked out an agreement with the administration on this particular subject. And so this in a way I guess would preempt, and should not, the orderly procedure of the authorization because this bill, State, Justice, Commerce appropriations, does not have the word "health" in it.

We do not have anything to do with health care professionals. Any yet this Senator would be prepared just to accept the amendment and knock it out in conference. It is not going to be accepted in conference because we have nothing to do in the State, Justice, Commerce appropriations measure with health or health care professionals.

Now, as the Senator from North Carolina comes and says he wants to close the loop to protect professionals. Certainly the Senator from South Carolina wants to protect professionals but not on this bill.

But the Senator has me caught up in this thing. I will give the Senator from Massachusetts a chance. I know he is vitally concerned, and has been working on it as chairman of the committee. But, it does not belong on this bill.

The Senator from North Carolina is engaging in mischief. Yes, he is; he knows it does not belong. He has a smile for me. He and I know each other, from North and South Carolina. He is playing games with this Senator.

The leaders keep coming up here. "When are we going to get through with the bill?" We will never get through with the bill if we take up B-1 bombers, health care professionals, and any and everything that may be of concern to the Senator and to me. I am mutually concerned. But it certainly is not a subject of State, Commerce, Justice. The word "health" is not anywhere in this bill.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I ask for the yeas on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I apologize to the membership for delaying the response to the amendment of the Senator from North Carolina. The Senator from North Carolina gave us a copy of the amendment about 20 minutes ago and, given the importance of this subject, I wanted an opportunity to look closely at the amendment so I would be able at least to give a reaction to Members of the Senate.

I indicate now just for the information of the Members that I intend to speak very briefly on the amendment and then make a motion to table the amendment.

Mr. President, perhaps the Members remember the debate and discussion on the different amendments affecting the medical profession that were offered on the Treasury appropriation bill a week or so ago. The Senate spoke on two different measures, and now those measures will go to conference. During the course of that debate, a number of us mentioned the importance of protecting health care workers.

At that time, during consideration of the leadership proposal by Senator MITCHELL and Senator DOLE to implement the Centers for Disease Control recommendations in order to provide protections for patients, the minority leader and I pointed out the importance of also providing protections for health care workers.

This is an issue which has been before the public for some period of time. But I wanted to take a moment to give the status of current proposals for protecting medical personnel and other health care workers from transmission of the HIV virus and other bloodborne diseases.

In May 1989, OSHA promulgated a proposed occupational health and safety standard to prevent transmission of bloodborne diseases, and that proposed standard has been out for comment over a period of many months. This was a standard that was proposed after a very extensive review by the Centers for Disease Control and by OSHA as the most effective means of preventing transmission of all bloodborne diseases in healthcare settings.

Mr. President, I ask unanimous consent to print in the RECORD at this point the basic recommendations that were made by OSHA.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OSHA'S BLOODBORNE DISEASE STANDARD PROTECTS PATIENTS AND WORKERS

WHAT IS INFECTION CONTROL?

Infection control systems are designed to prevent healthcare workers from transmitting infections to patients and to protect healthcare workers from acquiring infections themselves. Since 1987, infection control programs have been based on universal precautions, which means that all patients are treated as though they are potentially infectious for a bloodborne disease. Universal precautions improves on traditional infection control programs because it is not possible to tell whether someone is infected just by looking at them.

WHY IS INFECTION CONTROL IMPORTANT?

Infection control is the most important element used to reduce healthcare worker and patient risk of infection by minimizing or eliminating exposure incidents to bloodborne infectious diseases such as hepatitis B and HIV.

HOW WOULD AN OSHA STANDARD IMPROVE INFECTION CONTROL?

The proposed standard requires healthcare facilities to implement an infection control program based on universal precautions. Healthcare facilities would be required to provide gloves and other protective equipment such as masks, gowns and goggles to workers who come in contact with blood. Gloves would have to be changed between patients and would be replaced whenever torn or punctured. Equipment would have to be sterilized. Employers would be required to repair or replace damaged equipment. Workers would be offered the hepatitis B vaccine free of charge, and would be trained on the proper procedures to follow to prevent transmission of bloodborne infectious diseases.

HOW WOULD THE STANDARD BE ENFORCED?

Under the OSHA Act of 1970, the Occupational Safety and Health Administration has the authority to inspect workplaces to ensure that employers are in compliance with OSHA's standards to provide a healthy and safe workplace. Employers who are not in compliance are cited by OSHA and fined based on the seriousness of the violation. Willful or repeated violations of the bloodborne disease standard could lead to fines of up to $70,000 for each violation. Citations for serious violations could result in penalties of up to $7,000 per violation. Any employer that fails to correct a violation for which a citation has been issued can be fined up to $7,000 per day that the hazard is not abated.

In addition, OSHA has the authority to issue criminal penalties against employers whose willful violation of OSHA's standards result in the death of an employee. Legislation is pending in the Senate to expand OSHA's authority to issue criminal penalties.

OSHA initiates workplace inspections based on employee complaints and agency priorities. In the past, OSHA has developed Special Emphasis Programs for enforcement of specific standards in specific industries. Such a Special Emphasis Program could be developed to enforce the bloodborne disease standard in private doctors and dentists offices and other healthcare facilities.

WHO SUPPORTS REQUIRING UNIVERSAL PRECAUTIONS?

Countless public health organizations, labor unions, government officials, infection control experts, and association of healthcare professionals, including the Association of Practitioners in Infection Control, the American Public Health Association, the American Nurses Association, and the U.S. Centers for Disease Control.

Mr. KENNEDY. Mr. President, I will review quickly for the Members the colloquy between the Republican leader and myself, which took place last week. I stated at that time that:

Everyone agrees that strict adherence by healthcare workers to universal precautions against bloodborne infection is the best way to protect both patients and workers against HIV—the virus that causes AIDS.

For 5 years, the Department of Labor has been working on regulations that would make employers supply the equipment and training needed for universal precautions. They have held extensive hearings and completed an exhaustive record. It is my understanding that the work on this standard has been completed but for some reason the Department has continually missed its own deadlines for issuing a final standard.

I am no less frustrated than the Senator from North Carolina by the fact that we have not been able to get the final standards from the Department of Labor.

I then continued:

The OSHA bloodborne disease standard would not only provide the most effective means for guarding against infection, it also would establish uniform national standards and activate an already-existing enforcement mechanism. If this regulation were law, then OSHA inspectors could immediately begin inspecting the offices of dentists and physicians and other facilities to make sure universal precautions are strictly adhered to.

The distinguished minority leader responded:

I agree with Senator KENNEDY that universal precautions are necessary to guarantee maximum protection for patients as well as workers. At this point, the urgency of this matter supports prompt implementation of the OSHA universal precaution regulations. We should work together to enact legislation before the recess which establishes a deadline for putting these regulations into effect.

The minority leader and I have worked closely together. We were under the impression that we would have the Labor-HHS appropriations bill on the floor this week and we were prepared to have the Senate consider a Dole-Kennedy amendment which would achieve that objective. We had indicated to all interested Members that this was something that we were committed to doing.

I ask unanimous consent that the amendment, which we intended to offer had we considered the HHS appropriations prior to the recess be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . (a) Notwithstanding any other provision of law, on or before November 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate final rules and regulations concerning the standard on occupational exposure to bloodborne pathogens as pubished in the Federal Register on May 30, 1989 (54 FR 23042), to reduce the number of occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the rules and regulations referred to in subsection (a) are not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard was promulgated as a final rule or regulation by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates final rules and regulations under subsection (a).

Mr. KENNEDY. Mr. President, I point out that this amendment that has been offered by the Senator from North Carolina would depend upon separate implementation actions by each individual State in order for its provisions to become effective. That is in contrast to the OSHA standard, which would establish uniform nationwide requirements that would go into effect with the force of law immediately upon implementation.

Under the Helms amendment, health care professionals might well find that the protections provided pursuant to this amendment would vary from State to State.

As a matter of sound public health policy, we should be establishing uniform protections for members of the health professions across the United States. And the Helms amendment would not do that. It would result in a crazy quilt of different State rules, regulations, and laws attempting to satisfy the objectives set out by the Senator from North Carolina.

Finally, I point out that if you were a healthcare professional and you did insist as contemplated by this amendment that a certain patient be tested before you would treat or assist that patient, and you got a negative reaction from that test you would be mistaken if you thought that test result somehow assured that you were protected from possible transmission of the HIV virus.

As we all know, there is a period of time before the presence of the HIV virus is detectable through these tests and this can create a false sense of security.

In contrast, the OSHA bloodborne disease standard would require all employers with employees who can reasonably be expected to be exposed to bloodborne diseases in the normal course of their work to implement infection control programs based on universal precautions.

These precautions are designed to prevent transmission not just of the HIV virus which causes AIDS, but the whole range of bloodborne pathogens that can be transmitted through exposure to blood or bodily fluids including, for example, the viruses that cause hepatitis, syphillis, and malaria.

In fact, healthcare workers are at much greater risk of contracting hepatitis B from patients than contracting the HIV virus. CDC estimates that approximately 12,000 healthcare workers with occupational exposure to blood are infected with hepatitis B each year, resulting in 500 to 600 hospitalizations and over 200 deaths a year. Essentially, to treat all blood and other potentially infectious fluids as if they were contaminated. The OSHA standard would protect patients and healthcare professionals from transmission by requiring doctors, dentists, hospitals, clinics, and any other employer whose employees

have exposure to blood and other bodily fluids. In other words, employers would have to presume that for every kind of exposure that a doctor or other healthcare worker might deal with, these kinds of fluids are the most dangerous. That is included in the proposed OSHA standard.

Among other things, employers would be required to:

Provide exposed workers with personal protective equipment such as fluid-proof gloves, masks, gowns, eyegear, and other protective equipment;

Sterilize equipment and regularly disinfect work areas;

Place potentially infectious wastes and laundry in leak-proof, color-coded containers and treat as if contaminated;

Train workers in proper procedures to prevent disease transmission and exposure; and

Provide the hepatitis B vaccine to employees free of charge.

The universal precautions are consistent with the precautions recommended in the CDC guidelines to protect patients. However, as opposed to the CDC guidelines, the OSHA standard has an enforcement mechanism. As with any other occupational health or safety standard, OSHA will have full authority to enforce the standard through inspections and the imposition of civil penalties for violations.

It is again the public health profession's belief that the best kind of protection for the health care profession is to follow those kinds of recommendations, not only with regards to the HIV virus but other kinds of bloodborne diseases that would endanger health care providers. These requirements would be put into effect by the amendment that the minority leader and I and others intend to offer on the Labor-HHS bill. These precautions provide the best kind of protection. I think the Members know that that has been our intention and we announced that to the Members of the Senate for that reason.

And that is, I believe, the soundest public health policy. Under our amendment, you will have uniform protections across the country, enforced by OSHA, and you will have inspections to ensure that employers and employees are complying with those responsibilities. There will be accountability and an enforcement mechanism. That, I believe and public health officials believe, provides the greatest level of protection for health care providers.

It is for that reason, Mr. President, that I would offer a tabling motion. It is our intention, and we give that assurance to the Members, that when we consider the Labor-HHS appropriations bill we will offer the amendment which will effectively implement the OSHA standard which is based upon a very considerable amount of study by OSHA as well as the Centers for Disease Control.

Mr. President, I am prepared to make that motion. I do not want to terminate reasonable discussion of this matter, but I do believe that the floor managers want to move on to other matters since this is not an issue which is directly related to the substance of this bill.

So, Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts [Mr. KENNEDY] to table the amendment of the Senator from North Carolina [Mr. HELMS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I also announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 44, nays 55, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—44

Adams	Harkin	Mikulski
Akaka	Hatch	Mitchell
Baucus	Hatfield	Moynihan
Biden	Inouye	Pell
Bingaman	Jeffords	Robb
Bradley	Kassebaum	Rockefeller
Burdick	Kennedy	Sanford
Chafee	Kerrey	Sarbanes
Cohen	Kerry	Sasser
Cranston	Kohl	Simon
Daschle	Lautenberg	Specter
Dodd	Leahy	Wellstone
Durenberger	Levin	Wirth
Gore	Lieberman	Wofford
Gorton	Metzenbaum	

NAYS—55

Bentsen	Exon	Nickles
Bond	Ford	Nunn
Boren	Fowler	Packwood
Breaux	Garn	Pressler
Brown	Glenn	Reid
Bryan	Graham	Riegle
Bumpers	Gramm	Roth
Burns	Grassley	Rudman
Byrd	Heflin	Seymour
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Conrad	Johnston	Smith
Craig	Kasten	Stevens
D'Amato	Lott	Symms
Danforth	Lugar	Thurmond
DeConcini	Mack	Wallop
Dixon	McCain	Warner
Dole	McConnell	
Domenici	Murkowski	

NOT VOTING—1

Pryor

So, the motion to table the amendment (No. 939) was rejected.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now occurs on the Helms amendment. The yeas and nays have been ordered.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. RUDMAN. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection to the unanimous-consent to vitiate the yeas and nays on the amendment?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 939) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

AMENDMENTS NOS. 940, 941, AND 942

(Purpose: To require the Attorney General to issue certain regulations)

(Purpose: To develop a tracking system for "I-94" forms, relating to periods of admission to the United States)

(Purpose: To require the timely parole of certain aliens detained at the Krome Processing Center, Florida)

Mr. GRAHAM. Mr. President, I rise for the purpose of sending a block of three amendments to the desk. I ask for their immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator that there are committee amendments pending at the desk, and it would take a unanimous-consent request to make the offering of the Senator's amendments in order.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendments be set aside for purposes of considering this block of three amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Hearing none, it is so ordered.

The clerk will report the amendments offered by the Senator from Florida.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. MACK, proposes amendments numbered 940 through 942 en bloc.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 940

At the end of the bill, add the following new section:

SEC. . REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

AMENDMENT NO. 941

On page 99, between lines 7 and 8, insert the following new section:

SEC. . TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

AMENDMENT NO. 942

At the end of the bill, add the following new section:

SEC. . TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

Mr. GRAHAM. Mr. President, in the interest of time, and also in appreciation for the effort on behalf of the managers of the bill who have reviewed and, it is my understanding, cleared these three amendments, I will be very brief.

These amendments go, Mr. President, to a single concern, and that is that we face the prospect, particularly in the southern region of this country, of another wave of immigration, particularly as conditions deteriorate in Cuba. Since the beginning of the year, Mr. President, 1,400 Cubans have arrived by small boats and rafts. This compares with 467 who came in all of 1990.

We have had a dramatic increase in the number of persons who arrived under legal visas and then overstayed their visas. It is estimated that some 25,000 to 35,000 persons have done that since the beginning of the year.

These three amendments will do the following: One, they will direct the Department of Justice to issue regulations under the existing Immigration Emergency Fund Program, a program that has been in effect since 1985. Congress has appropriated money for this Fund, but there are no regulations to govern access to that money.

Second, they will direct the INS to establish a tracking system for those persons who arrive in the United States under a legal visa, so that there can be a determination as to if and when they exit the country. INS will also be required to compile statistical information on those visitors who overstay their visas.

And third, they would provide for a cap on the population of the principal refugee retention center, the Krome Processing Center in Miami. Krome was intended to be for a short-term detention and has become, for much of its life, a long-term detention center. Thus, the Immigration Service is denied the opportunity to have what would be a critically needed short-term detention and processing center in the event that the tide that we are currently experiencing were to become a flood.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the July 27, 1991, New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 27, 1991]

NEW INFLUX OF CUBAN REFUGEES IS CREATING STRAINS FOR FLORIDA

(By Larry Rohter)

MIAMI, July 26.—Almost daily, newspapers and television stations here tell of Cuban refugees plucked by planes or cruise ships from the Florida Straits as they bob along in rafts or inner tubes. But deteriorating conditions on the island have also provoked a much larger and virtually invisible emigration—tourist charter flights from Havana—that has begun to strain this city's resources.

Because a growing number of Cubans are arriving here as visitors and overstaying their visas, Florida officials are pressing the Federal Government for access to $35 million placed in an Immigration Emergency Fund that was established after the last big influx of Cubans a decade ago.

But to their frustration, so far the Bush Administration has refused to authorize release of any of the money, even as American and Cuban policies continue to encourage people to flee one of the last bastions of orthodox Communism.

"It is unfair in the extreme to ask one community to bear the consequences of a national policy on refugees, just as it would be if there were an emergency brought on by a hurricane or flood," Senator Bob Graham, a Florida Democrat, said recently in an interview. "A natural disaster is an act of God, but this immigration crisis is primarily an event controlled by the Federal Government."

BACKLOG OF VISA REQUESTS

According to the State Department, which processed a total of 38,000 visa requests from Cuba in 1990, American diplomats in Havana have issued 36,000 visas since the 1991 fiscal year began Oct. 1 and still face a backlog of 28,000 applications. The figures include neither Cubans who have obtained visas at other embassies, like Caracas and Mexico City, nor the 1,378 Cuban rafters who have been officially admitted to the United States this year.

No precise figures exist on how many of the Cuban tourists, whose airfares and processing fees are paid by relatives here, have overstayed their visas to settle in Miami. But Federal and local officials estimate, based on immigration and other statistics, that at least one-third of the visitors do not return to Cuba on their scheduled flights. This creates what Mr. Graham called "a silent, gradual influx" that has gone undetected because the Immigration and Naturalization Service does not monitor completely departures of foreigners from this country.

"We're looking at an influx of approximately 40,000 people this calendar year," said Joaquin Avino, who as county manager is the chief government executive of Dade County, which includes Miami. "If we can put people on the moon, why can't we measure people going out?"

In May, the most recent month for which data are available, 7,600 Cubans arrived in Miami on chartered flights, as against 2,500 in May 1990. "The number of flights has increased, as has the size of the aircraft being used and the number of companies involved," said Antolin Carbonell, who tracks the situation for the Dade Country Aviation Department.

FEARS OF A NEW MARIEL

Among local officials, the upsurge has led to fears of what they call "a new Mariel," a reference to the 1980 boatlift that brought 125,000 Cubans to the United States. The cost of assimilating that influx of asylum-seekers was borne largely by city, county and state governments here, and Florida officials say the Federal Government still owes them $50 million or more.

The Miami area is already seeing "an increased demand for the whole spectrum of medical and social services, from job training to emergency housing" because of the new arrivals, Mr. Avino said. "If you suddenly put an additional 30,000 people in a community, that creates an additional stress on the fire department, the police department, the parks and public works."

Government officials here said that whatever money they get from the Federal Government will be destined for hospitals, emergency housing programs and schools. Senator Graham, who plans to introduce legislation next week that would make it easier for Florida to obtain money from the fund, and other members of Florida's Congressional delegation are continuing to lobby both the White House and the Department of Justice.

Leaders of the Cuban-American community and government officials expect the exodus to continue, perhaps at an even faster pace. Deprived of Soviet subsidies, Cuba is facing its worst economic crisis since Fidel Castro seized power in 1959, and his government has responded with increased political repression and declaration of a "period of special austerity" that includes food and fuel rationing.

As a safety valve, the Cuban Government has over the last 18 months gradually lowered to 35 from 65 the age at which Cuban

men qualify to visit relatives in this country. Lisandro Perez, a professor of sociology at Florida International University who has studied Cuban emigration, said the younger Cuban arrivals who have grown up under Communism are likely to prove more difficult to absorb than previous waves of Cuban refugees because "their readiness for competition in the United States" is limited.

Under existing legislation, both the President and the Attorney General have the power to declare an "immigration emergency," the latter when the number of requests for political asylum rises by 1,000 in any quarter. But many of the new arrivals apparently prefer to bypass the long and complicated asylum process in favor of a special adjustment program that exists only for Cubans, thereby keeping the number of asylum requests below the legal threshold.

"We don't solicit political asylum claims," said Duke Austin, a spokesman for the immigration service. ["That is not a function of the I.N.S." Mr. Austin also said it would be unfair to entering Cubans to deny them the right to the quicker and easier adjustment procedure "only to force the asylum numbers up just so a community can get the impact funds."

DADE COUNTY'S PROBLEMS

The next influx of Cubans comes as Dade County is still struggling to absorb a previous wave of politically inspired immigration which flooded the Miami area in 1989. County officials estimate that more than 100,000 Nicaraguans, the bulk of them anti-Sandinista refugees requiring public assistance, have settled in southern Florida in the last decade.

The rapid increase of the Nicaraguan population in 1989 forced one major hospital here to write off more than $5 million dollars in health care bills and also led to an enrollment surge in the Dade County public school system. Senator Connie Mack, Republican of Florida has estimated the total long-term costs of settling just the Nicaraguans at more than $100 million.

"We just can't continue to foot the bill," said Kate Hale, director of the Metro-Dade Office of Emergency Management. "There are Federal Government programs in place for just this type of situation, and we are frustrated by what appears to be the Federal Government's attempt to manipulate loopholes that "preclude us from gaining access to funds designated for this purpose."

Mr. MACK. Mr. President, I would like to express my support for the three amendments offered by my colleague, Senator GRAHAM.

Florida's immigration/refugee problems are relentless. While the State's response has been exemplary, the Federal response has left me disappointed.

The first amendment—to require the Justice Department to issue regulations on section 113 of the Immigration Reform and Control Act—is a necessary step toward releasing emergency immigration funds to Florida. Approximately 4 years have passed since this statute was enacted, leaving no excuse for a failure to issue these important regulations.

The second amendment—to require the Immigration and Naturalization Service [INS] to develop a tracking system for "I-94" forms—addresses a fundamental issue the INS has failed to resolve. I was stunned to recently learn the INS does not have a system to track who enters and leaves the United States on nonimmigrant visas. This seems so basic, it is unfortunate Congress is forced to address a problem one would assume the INS would be doing on its own.

The third amendment—to require the timely parole of certain aliens detained at the Krome Processing Center—strikes at an issue that has deeply concerned me for some time. The recent reports regarding the treatment of Haitians in south Florida should force Congress to take a serious look at its policy toward Haitians fleeing their country. I plan to visit Krome next month and will explore carefully further solutions to this very serious problem.

I urge my colleagues to accept these amendments.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, these amendments have been checked on both sides of the aisle, and they are agreeable with the managers.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Florida.

The amendments (Nos. 940-942) were agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

Mr. HOLLINGS. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 943

(Purpose: To provide funding for U.S.-Soviet Exchange Program)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of Senator MITCHELL, Senator BOREN, and Senator BRADLEY—it has been cleared on both sides. The amendment provides funding for exchange programs, and I ask the clerk to report.

The PRESIDING OFFICER. Is there objection to setting aside the pending committee amendments to consider this amendment?

Mr. RUDMAN. No objection.

The PRESIDING OFFICER. Without objection, the amendment will be reported.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. MITCHELL, for himself, Mr. BOREN, and Mr. BRADLEY proposes an amendment numbered 943.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, line 19, strike "(Including Transfer of Funds)".

On page 76, line 18, strike; and in addition $8,000,000 shall be derived by transfer from Acquisition and Maintenance of Buildings Abroad.

On page 89, line 2, in-between the head "Educational and Cultural Exchange Programs" and "For" insert "(Including Transfer of Funds)".

On page 89, line 20, before the period insert the following: and in addition $13,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, Acquisition and Maintenance of Buildings Abroad to remain available until expended of which $7,000,000 shall only be available for support of the U.S.-Soviet Exchange Program and of which $4,000,000 shall only be available for the Educational Exchanges Enhancement Act of 1991 and of which $2,000,000 shall be available only for the Federal Endowment for High School Student Exchanges and Democracy.

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 943) was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote.

Mr. RUDMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, they are arranging a unanimous consent agreement with the distinguished leaders. As I understand it, we have two amendments and final passage. There will be three votes. The leaders will explain this.

We have the Gramm amendment that Senator RUDMAN and I will contest. I take it the Senator from New Hampshire is going to table the amendment. We will have the yeas and nays on it; right? Or I will move to table.

Mr. RUDMAN. We will discuss it, I say to the Senator.

Mr. HOLLINGS. All right. We have the Seymour amendment on the border patrol, which I will be constrained to move to table. There are 20 minutes on Seymour, equally divided; 15 minutes on Gramm, equally divided; and final passage.

Mr. HOLLINGS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUDMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTANCE OF 1990 DECENNIAL CENSUS PRODUCTS

Mr. SARBANES. Mr. President, the Joint Economic Committee has a longstanding interest in the quality and integrity of the Federal infrastructure. As chairman of the committee, I would like to take this time to raise an important issue with respect to the Commerce, Justice and State Appropria-

tions bill, which is being considered on the Senate floor today. It is my understanding that the Senate Appropriations Committee recommended funding for the Bureau of the Census periodic programs account $30,011,000 below the administration request and $27,357,000 below the House appropriation. I am concerned that a cut of this magnitude could seriously hamper the ability of the Census Bureau to analyze and disseminate the data collected in the 1990 decennial census.

According to the Census Bureau, a $30 million cut would cause the Bureau to delay or cancel further evaluations of the 1990 Census data. This includes product development and distribution, and research and evaluation of programs, which are needed to improve the quality and coverage of the 2000 census. The Bureau also will not be able to produce any cross-tabulated data products for information collected on the long form questionnaire. Loss of the long form data will restrict access to a major source of data used by Federal and State agencies. Critical data on income, poverty, disability and education will not be available for analysis and policymaking. In addition, these data are used by individuals from all sectors of our society, from academic researchers to State and local officials to marketing executives. After the enormous resources we have devoted to the census over the last decade, it would be simply illogical to throw away much of that effort now.

It is my understanding that the Census Bureau has a small unobligated balance due to procurement delays. According to the Office of Management and Budget, the balance was substantially overestimated by the Appropriations Committee, and is not a sufficient amount to make up for the loss of a $30 million cut. In addition, the unobligated balance is fiscal year 1991 money that was authorized and appropriated for specific programs which are due to be completed snortly. Half of the balance is targeted for data processing procurement which will be spent in the next 2 or 3 months. Therefore, I urge that my distinguished colleague from South Carolina reconsider and fully fund the fiscal year 1992 budget for the Bureau of the Census.

Mr. KOHL. Mr. President, my distinguished colleague from Maryland has eloquently stated the importance of the data collected in the census, and the problem we face today. I thank him for that.

As chairman of the Governmental Affairs Subcommittee on Government Information and Regulation, I have spent considerable time working with the Census Bureau and studying the census. There is no information collection activity that our Government carries out that is as widely used and affects as many people as the decennial census.

Data from the decennial census will be used by the business community to develop marketing plans and plant locations.

Census data will be used by local communities to plan for the future. Without these data it would be impossible to plan roads and water treatment plans.

And, census data will be used by individuals to learn about their neighborhood and community.

The tragedy of this funding cut is that it will make much of the census data inaccessible or delay its release. Years of planning went into the census. Hundreds of millions of dollars were spent collecting the data. Now, for want of a small sum, we are wasting that effort.

I urge the Appropriations Committee to reconsider and to fully fund the 1992 budget for the decennial census.

Mr. HOLLINGS. I appreciate the concern my colleagues have just expressed regarding the decennial census. The committee's action regarding the Census Bureau's periodic programs takes account of procurement delays that reduce requirements for funding in fiscal year 1992. Therefore, it is my understanding that the Census Bureau will have the funds necessary to complete the 1990 census. Nevertheless, I will look into this matter further. If, as the Senator said, the carryover funds do not appear to be sufficient, then I would be prepared to make an effort to restore funds to this account.

Mr. RUDMAN. Mr. President, as the ranking minority member of both the subcommittee that appropriates the Bureau of the Census and the subcommittee that authorizes it, I have a unique understanding of its mission and operations. Under severe budget constraints, I believe the Appropriations Committee made every effort to ensure that the Bureau of the Census has adequate funding to fully complete the 1990 census, and I wholly concur with my distinguished colleague from South Carolina.

SECTION 108

Mr. SIMPSON. I have a brief question for my colleague regarding section 108, at page 31, of H.R. 2608, as amended by the committee.

Mr. RUDMAN. I am pleased to answer any question the Senator from Wyoming may have.

Mr. SIMPSON. I thank my colleague. My concern is this. As section 504(f) of the Omnibus Crime Control and Safe Streets Act of 1968 now reads, States like my home State of Wyoming stand to lose all of their Federal grants because that provision limits Federal assistance to only 4 years for a single program. Rural States, unlike large metropolitan areas, often do not create law enforcement teams that are specialists in a given area but, rather, create multijurisdictional teams that are generalists.

In Wyoming, our fine team, under the control of the State attorney geneal's office, is simply referred to as a regional drug enforcement team. This team is responsible for drug enforcement across the entire State. One week the team may be investigating trafficking on the highways in one corner of Wyoming, and the next week investigating a lab in some other remote part of the State. The problem is that under current law, this team will lose its funding after 4 years of operation.

My question to my colleague is this: On page 31, and continuing to page 32, the committee has amended that statute to provide an exemption for grants awarded to State and local governments for the purpose of participating in multijurisdictional drug task forces, * * *." Would this language, and the definition of "multijurisdictional drug task forces" include the program of regional drug enforcement teams such as the one I described in Wyoming?

Mr. RUDMAN. Mr. President, I would inform the Senator from Wyoming that he is exactly right. This amendment would, indeed, exempt the Wyoming multijurisdictional drug enforcement team from the 4-year funding limitation in section 504(f). In fact, it was our intention in crafting this amendment—which the Senator will recall is identical to my amendment on the crime bill recently passed by the Senate—to address that specific concern.

Mr. SIMPSON. I thank my colleague for his courtesy and would take this opportunity to commend him for his able efforts in addressing this very real concern of many State and local law enforcement agencies. At this point, I ask unanimous consent that a copy of a letter I received from the director of the Wyoming State Attorney General's Office, Division of Criminal Investigation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
DIVISION OF CRIMINAL INVESTIGATION,
Cheyenne, WY, June 26, 1991.

Hon. ALAN K. SIMPSON,
U.S. Senator, U.S. Senate, Washington, DC.

DEAR SENATOR SIMPSON: I have enclosed a copy of a letter I sent in response to a request from the Office of National Drug Control Policy for input into the 1992 National Drug Control Strategy. The letter should be self explanatory.

It is important, however, to emphasize the problems created by the four year restriction imposed by 42 U.S.C. 3754. Sec. 504(f).

(f) No funds may be awarded under this subpart to a grant recipient for a program or project for which funds have been awarded under this title for four years (in the aggregate), including any period occurring before the effective date of this subsection.

One way we may be able to avoid the problem is to change the primary purpose of our Regional Drug Enforcement Teams. BJA allows a change of purpose or realignment of jurisdictions to restart the clock and possibly give us another four years. We could

state that the purpose of the DET's was now street sales, major traffickers, or clandestine labs, but in reality we are generalists and would still handle all cases and only be circumventing the system.

It would seem that an exemption for rural or frontier states would be more appropriate. Since there is a minimal federal drug enforcement presence (four agents) in Wyoming, the primary drug enforcement responsibility falls to the state and the Regional Drug Enforcement Teams.

We are left with three possible options. Option number one is for the Wyoming state and local governments to assume 100% of the costs for the DET's. This is not a very realistic option.

Option number two is for the Division of Criminal Investigation to realign the jurisdictional boundaries or the purpose of the DET's and cleverly circumvent the system. This option could prove embarrassing during an audit.

The third and most reasonable option would be for BJA to allow exemptions for frontier or rural states and waive the four year limitation.

If something is not resolved in the six months, we stand to lose the most effective federal, state, and local cooperative law enforcement effort ever initiated in Wyoming.

If I can be of further assistance, please don't hesitate to call. We appreciate your time and concern.

Thank you.

Sincerely yours,

THOMAS J. PAGEL, *Director, Division of Criminal Investigation.*

OFFICE OF THE ATTORNEY GENERAL, DIVISION OF CRIMINAL INVESTIGATION, CHEYENNE, WY, JUNE 25, 1991.

HERBERT C. JONES,

Acting Associate Director for State and Local Affairs, Office of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR SIR: The State of Wyoming, again, appreciates the opportunity to offer ideas and suggestions for consideration in developing the 1992 National Drug Control Strategy. Illicit drug trafficking is a major concern to frontier and rural states, as well as the more urban states.

The first point to realize is that the National Strategy is a general guideline and not a specific plan. Unfortunately, some federal agencies try to neatly categorize programs into specific areas, such as crack street sales, major conspirators, or domestic cultivation.

In a frontier state, such as Wyoming, we are generalists more so then specialists. It is not uncommon for a Wyoming Regional Drug Enforcement Team to work a gram dealer, kilo dealer and/or domestic growth operation all in the same month.

The point is that guidelines must not be written so restrictive as to take discretion away from states in addressing their specific problem areas. We all have problems but not necessarily the same problems.

The greatest threat to the current drug enforcement effort is a statute which the Bureau of Justice Assistance currently operates under 42 U.S.C. 3754, Sec. 504(f). This statute states that BJA will only fund a program for four years. After four years, the state and/or local departments must pick up the entire cost and federal grant money must be used for other programs.

This poses a couple of problems for Wyoming. The first problem is that we do not have sufficient manpower or resources to pick up the total cost of the drug enforcement effort. We certainly do not have the manpower or resources to pick up the current program and develop additional programs.

The second problem may be more philosophical. If there is currently a "War on Drugs" and if it is a national priority, it seems ludicrous to force the closure of an effective program (Regional Drug Enforcement Teams) and begin a new program, simply because four years have expired.

I doubt that General Schwartzkopf considered changing his attack plans when they proved to be so effective against the Iraqi's. We should also be allowed to stay with our Regional Drug Enforcement Teams.

Every year there is discussion over whether or not the 75/25 match should be changed to 50/50. With the current economic picture, this would also kill our program. Many of the small rural counties and towns in our state have a difficult time matching 25%, let alone 50%.

This program is especially important to Wyoming due to the limited presence of DEA in our state. For years, DEA operated with two agents in Wyoming. Finally, they are up to a supervisor and three agents. I appreciate their added manpower but it hardly makes them the lead drug enforcement agency in the state.

Since the federal government cannot commit more manpower to Wyoming, it makes it even more important that they continue their drug grant commitments, to be used for the regional Drug Enforcement Teams.

Another issue is direct funding to local municipalities. Direct drug grant funding to local municipalities would be as significant a problem in Wyoming as it would be in every other state. Each state must develop a statewide strategy to comply with federal requirements. If local municipalities received direct funding however, their priorities might not be the same as the state strategy.

The current system encourages cooperation between states and local municipalities. Direct funding would adversely affect this cooperative effort.

If, and I would urge against it, Congress decides to use direct funding, it should be limited to cities with a population of 500,000 or more.

Another negative impact that direct funding would have on Wyoming would be in the area of staff positions. We simply do not have sufficient staff to monitor local programs if direct funding was authorized. Neither do local law enforcement departments have staff to monitor the grant programs. They are satisfied with the state handling administrative matters.

For the past several years, Congress has fortunately defeated bills which would prevent state and local law enforcement agencies from using the federal adoptive forfeiture process. It would seem that Congress would like to force states to adopt forfeiture laws similar to federal laws.

While this would be nice, in our particular state, and many others, it would require a constitutional change. This is a lengthy and difficult process, at best.

It is also frequently the case that drug investigations are joint federal/state efforts. Therefore, it is appropriate that federal adoptive forfeiture proceedings be used by state and local law enforcement agencies. It only seems fitting that the drug traffickers' assets be turned around and used against them at all levels.

Again, we appreciate the opportunity to offer comments on the National Drug Policy. I sincerely hope that the significance of the four year restriction is realized.

Thank-you.

THOMAS J. PAGEL.

TITLE IV MARINE RESEARCH FUNDS

Mr. MITCHELL. I would like to seek a clarification on an item referred to in the committee report.

Mr. HOLLINGS. I will be pleased to respond to whatever concern the Senator from Maine may wish to raise.

Mr. MITCHELL. The Committee Report on page 63 refers to title IV of the Marine Protection, Research, and Sanctuaries Act. The reference is to legislation which I authored establishing Federal support for regional marine research programs.

Mr. HOLLINGS. That is correct.

Mr. MITCHELL. The Report language refers to regional marine research centers. However, I believe the intent of the provisions is to fund regional programs as opposed to physical centers. In New England's Gulf of Maine, the program will be administered through a regional marine research board in coordination with the Maine/New Hampshire Sea Grant Program. These are minor clarifications which are consistent with the title IV authorization.

Mr. HOLLINGS. The Senator from Maine is correct in that clarification. The provision is intended for research programs rather than physical centers, and the Gulf of Maine program will be coordinated with the Maine/New Hampshire Sea Grant Program.

Mr. RUDMAN. I agree with my colleagues that this program should be coordinated with the Maine/New Hampshire Sea Grant Program.

Mr. HATFIELD. I would like to take this opportunity to ask some questions of the distinguished subcommittee chairman, Senator Hollings, about the National Marine Fisheries Service's activities associated with fish hatcheries on the Columbia River.

Mr. HOLLINGS. I would be pleased to respond to the questions of the Senator from Oregon.

Mr. HATFIELD. As the chairman knows, this year's bill includes a total of $14.249 million for the Mitchell Act hatcheries which were constructed as mitigation for loss of fish caused by the construction of the Federal hydroelectic dams on the Columbia River System. This funding level represents a significant increase over prior years' funding, and I want to thank both Senator HOLLINGS and the ranking member on the subcommittee, Senator RUDMAN, for their assistance in securing these greatly needed resources.

Mr. HOLLINGS. I thank the Senator for his remarks.

Mr. HATFIELD. As my colleagues know, three separate runs of Snake River salmon have been proposed for listing under the Endangered Species Act, and the National Marine Fisheries

Service is playing a significant role in both the listing process and the rehabilitation of those salmon runs. The operation of the Mitchell Act hatcheries can be an integral part of a management plan to address the issue of declining stocks. As part of a management plan to address the issue of declining stocks, would the distinguished chairman agree with me that hatchery management practices should be reviewed and, if necessary, modified consistent with existing mitigation responsibilities to assure that hatchery operations are producing juveniles which will grow into healthy and diverse returning adults?

Mr. HOLLINGS. Yes, I would agree that hatchery management practices should be a major part of efforts to address the declining stocks in the Pacific Northwest, and that current management practices should be reviewed.

Mr. HATFIELD. Would the chairman also agree that to accomplish this, the National Marine Fisheries Service should, within 120 days of enactment of this act, consult with the appropriate Federal and State fish management agencies and provide a report to the Committee on Appropriations of the House and the Senate regarding opportunities to improve hatchery practices in the Pacific Northwest to address fish health, productivity, and especially to ensure hatchery fish do not interfere with the genetic integrity of wild fish?

Mr. HOLLINGS. The Senator is correct, I agree that this is a wise course of action.

Mr. HATFIELD. In adiditon, I would ask that the Senator from South Carolina join me in requesting that the agency take immediate actions to implement the appropriate no- or low-cost recommendations resulting from this report, and that the report should identify funding levels required to carry out needed program and facility modifications and identify responsible agencies. The agency should ensure that States which operate federally funded hatcheries receive the necessary resources to do so in a way that is consistent with the goal of protecting and conserving wild fish, particularly species which are candidates for listing under the Endangered Species Act.

Mr. HOLLINGS. The proposal of the Senator from Oregon is reasonable and timely, and I am in agreement with this course of action.

Mr. HATFIELD. I thank the distinguished Senator for his assistance on this issue of great interest to the Pacific Northwest.

MOSCOW EMBASSY

Mr. MOYNIHAN. Mr. President, in 1987 Senator SARBANES, Senator SANFORD, and this Senator traveled to Moscow to examine the new Embassy there at the request of Senate Majority Leader BYRD because of revelations that the building had been thoroughly compromised by the Soviet intelligence services. We returned from that visit strongly opposed to tearing down the Embassy. There were, however, others who strongly supported tearing down the Embassy. The debate went on and on and, in the meanwhile, nothing was done to resolve the problem.

Then, a little over a year ago, the Department of State approached the Committee on Foreign Relations with a proposal and a request. The Department proposed tearing down the new bug-ridden Embassy building in Moscow. The request, quite properly, was for a statutory authorization for this plan. In testimony before the committee on May 23, 1990, Under Secretary of State Ivan Selin explained that the State Department felt that it was absolutely essential to obtain an authorization for this program from the Committee on Foreign Relations:

> [W]e are seeking an authorization of $270 million so that we can seek the appropriation to let us begin construction properly. * * * [W]e are trying to use the authorization process the way it is intended. It is not an annual amount of money that is coming up. We are supposed to identify programs and when we have the data come up to the Senate and the House, discuss them fully, have them vetted, have them agreed, and go ahead. * * * [B]ut we were not going to ask for authorization until we had all our ducks in order.

That, as I said, was very much the proper way to proceed.

The problem was that the Committee on Foreign Relations disagreed with the Department's plan. Disagreed overwhelmingly. By a vote of 16 to 0, the committee rejected the request in its entirety and voted instead for an alternative offered by this Senator to authorize $50 million to complete the existing building and build additional secure space. To repeat, the State Department could not find a single supporting voice on the Committee on Foreign Relations. The rejection of the request was completely bipartisan. And devastatingly complete.

The basis for the Committee on Foreign Relation's decision was obvious from Secretary Selin's testimony. He told the committee—I quote here from the printed transcript of the hearing:

> We could in fact salvage the existing building * * * [A]s flawed as this building is, it has several advantages. It has a foundation that is perfectly adequate. It has utilities that are perfectly adequate * * * (p. 4)
>
> It bothers me at least as much as it bothers you, Mr. Chairman, to tear down a building—it is not a terrific building, but it is an adequate building * * * (p. 5)
>
> I am probably twice as dismayed as you are at the thought of tearing down a reasonably good building * * * (p. 23)
>
> There is a strong intuitive feeling that it is wasteful to tear down the perfectly good structure. (p. 26)

Thus, we can say that the Department of State wanted to tear down a building which the Department itself described as:

> "not * * * terrific, but * * * adequate";
> "a reasonably good building"; and,
> a "perfectly good structure".

Secretary Selin also conceded that the United States was going to have a tremendous need for space for unclassified activities in Moscow in the coming years:

> [W]e do not expect [the need for a secure space] to grow in very large degree over the next few years, whereas the unclassified space needs will continue to grow over the next decade.

Therefore, it was difficult to understand why this building could not be completed and used for unclassified purposes.

He also told that committee that he could not guarantee—even if the Department of State received all of the money it had requested—that the foundation of a new embassy would be secure:

> We cannot protect the foundation. We cannot protect this one. If we build a new building, we cannot protect the new foundation * * * It is too easy to tunnel into it.

He maintained that the Department could deal with this problem, but Senator MURKOWSKI—the current vice chairman of the Select Committee on Intelligence—sharply questioned this assertion during the committee markup and cited this problem as his basis for rejecting the administration's request for a new building. In short, why tear down the existing structure if the Department cannot be sure that the new building will be any better from a security point of view?

At the committee's hearing a year ago the chairman of the Committee on Foreign Relations stated:

> I personally believe that tearing down the nearly complete new office building would be a dreadful waste of money. It seems to me that the new office building could be finished and used as unclassified office space.

Senator SIMON stated:

> I share the Senator from North Carolina's unease on the Moscow building situation, and I think we ought to be exploring other options before we tear down a building and build something else. Dwayne Andreas of ADM has suggested using it as a trade center * * * [I]t seems to me we have found an awfully expensive option in tearing down this whole thing and building another building.

Mr. President, we are now in a new Congress and the State Department has reversed its position and requested funds to complete the Moscow Embassy along the lines of the top hat plan whereby several of the top floors of the Embassy would be removed and replaced with secure space. At a hearing before the Subcommittee on Terrorism, Narcotics and International Operations of the Foreign Relations Committee held on March 7, 1991, Under Secretary Selin announced that the Department of State had abandoned its plans to raze the U.S. Embassy in Moscow due to congressional opposition and he conceded that the top hat plan will "meet the administration's mini-

mum space and security requirements at a significantly lower cost than the teardown and rebuild option—$200 million versus almost $300 million."

The distinguished chairman of the subcommittee held several hearings on this issue which was carefully considered by the authorizing subcommittee and, subsequently, by the full committee. At that time, the committee decided that it would allow the Department of State to choose the most appropriate course of action. Let me repeat, however, that the committee was already firmly on record as stating that the Congress should not authorize funds to tear down the Embassy. While the committee was willing to let the State Department decide which option is best—without mandating a specific course of action—I am certain that if the matter were put to a straight up or down vote the members of the committee would not support ordering the Department of State to do precisely what the committee had rejected a year before, namely, tear down the Embassy.

In the spirit of compromise, the House of Representatives did not mandate a solution at either the authorization or appropriation stage. The authorizing committee in the Senate, the Committee on Foreign Relations, followed suit. Now, however, we have a mandated solution, and one strongly opposed by the authorizing committee in the Senate and the appropriating committee in the House. I fear, therefore, that this action sets the stage for little more than continued delay despite the fact that the one thing that everyone involved in the debate agrees about is that we need to resolve this issue one way or another. For that reason, even more than my own opposition to the teardown option, I regret the decision reflected in this legislation to mandate that the Embassy be razed.

MICROLOAN DEMONSTRATION PROGRAM

Mr. BUMPERS. Mr. President, I should like to engage in a colloquy with my good friends the majority leader, Mr. MITCHELL, and subcommittee chairman, Mr. HOLLINGS, concerning the Small Business Administration Microloan Demonstration Program for which funds will be appropriated by the Commerce, Justice, State appropriations bill now before the Senate

I wish to commend Chairman HOLLINGS for including in this appropriations bill $15 million for loans and $3 million for grants to establish a Small Business Microloan Demonstration Program. This program is consistent with my recently introduced bill, S. 1426, the Small Economic Oppportunity Enhancement Act. This 5-year demonstration program, as described in my bill and in the report accompanying this appropriations bill, will authorize the Small Business Administration to make direct loans to nonprofit intermediaries for the purpose of making very small loans to start up, newly established and growing small businesses. As an intergral part of the program, the intermediaries will be required to provide intensive marketing, management, and technical assistance to the small business borrowers.

I believe that this innovative program holds the promise of expanded economic opportunity for thousands of Americans at the bottom of the economic ladder. This program has been strongly supported by our majority leader, as well as Senators BAUCUS, HARKIN, LIEBERMAN, WELLSTONE, DIXON, GRASSLEY, and WOFFORD, who are also cosponsors of S. 1426.

In drafting my bill, Small Business committee staff worked closely with the staff of the majority leader and the Appropriation subcommittee, SBA and representatives of several exemplary microloan programs. In order to ensure that these existing successful programs participate in the demonstration program, Mr. President, it was our intention that both the appropriations report and my bill identify the States in which these outstanding programs are located. Those States are Illinois, Iowa, Maine, Minnesota, New York, North Carolina, South Carolina, and Arkansas.

These States were selected because their microloan programs have been successful, and because those program managers had been very cooperative and helpful in providing advice and counsel about drafting this legislation. Inadvertently, the State of Maine was omitted from the listing in the appropriations report. This was an obvious and purely inadvertent omission. Maine has one of the oldest microloan programs in the Nation, and we had a witness for that microloan program who testified before the Small Business Committee on May 6, 1991. I intend to work to make certain that the conference report which will accompany the Appropriations bill will correct this omission, Mr. President. I think we all agree that it will well serve the purposes of the demonstration program to include those programs with proven successful track records.

Mr. MITCHELL. I welcome the assurance of the chairman that the conference report will be corrected to include the State of Maine in the listing of microloan demonstration program participants. Maine is the home of Coastal Enterprises, Inc. [CEI], which has been promoting economic development of low-income individuals, families and communities in Maine for 13 years. They have provided loans of all sizes, including very small loans, to small borrowers. They have experience managing loan funds and providing loans and technical assistance to small borrowers. They are certainly wellsutied to participate in this Microloan Demonstration Program.

As my friend from Arkansas stated, representatives of certain existing microloan programs worked closely with staff in developing the bill. It is on the basis of CEI's expertise and successful experience that its representatives were consulted during the design stage of the demonstration program. It is, therefore, appropriate that Maine, CEI's situs, be included in the listing of microloan participant States.

I would also like to draw the chairman's attention to an error in the Appropriations report concerning the permissible size of microloans. To ensure that the loans will remain microloans, the authorizing legislation ensures that intermediaries will provide loans of not more than $25,000, and each intermediary shall strive to maintain an average loan size of not more than $10,000 in its microloan portfolio. These parameters are the agreed upon limits in the authorizing legislation, and it is the intent that the funds appropriated be available within those guidelines. Unfortunately, the Appropriations Committee report language accompanying the bill lists these limits at $15,000 and $5,000, respectively. This, of course, is not what we intended. The guidelines, as set out in the authorizing legislation, are $25,000 and $10,000, respectively, and are appropriate and practical in regard to the needs of those enterprises for whose benefit the program is designed. It is my hope that this error, too, will be corrected in the conference report.

Mr. HOLLINGS. Mr. President, I concur with Mr. BUMPERS and the majority leader. First, I wish to compliment my colleagues, Senators MITCHELL and BUMPERS, on their work on establishing a microloan program. We all agree there is a need to provide such loans to start-up and growing small businesses, especially those businesses in rural States such as ours. I would like to note, however, that the list of States and the loan limits were those originally suggested by the Small Business Committee.

Because certain States do have successful microloan programs, it was our intention that the Appropriations report, like S. 1426, list those states for inclusion in the Microloan Demonstration Program in order to ensure that the program gets off to a successful start. Maine should have been included in the report's listing of participant States. Similarly, the loan limits should be consistent with those set forth in S. 1426. That is a $25,000 ceiling and an average portfolio of $10,000. I assure my good friends that in the conference I will advocate these points to the House conferees and seek their agreement to: First, fund the microloan program; second, include Maine specifically in the list of States; and third, state the loan limits at $25,000 and $10,000.

INS INSPECTORS

Mr. LEVIN. Mr. President, I would like to ask the subcommittee chair-

man, Senator HOLLINGS, a question regarding the bill's funding for 135 additional INS inspectors at high-volume ports of entry along the southern and northern borders.

I want to commend the chairman for providing this funding because, as he knows, traffic along the United States-Canada border has nearly doubled in the past 5 years. The United States-Canada Free-Trade Agreement and a recent increase in the Canadian sales tax in particular have contributed to this increase in traffic at the border.

Unfortunately, INS staffing has not come close to keeping pace. Staff levels have remained constant while traffic has almost doubled.

Not surprisingly, border crossings along the Michigan-Ontario border are plagued with chronic delays. Truck delays alone at the Blue Water and Ambassador Bridges in Michigan cost over $11 million last year. A recent study jointly commissioned by the Michigan Department of Transportation and the Ontario Ministry of Transportation concluded that insufficient INS staffing was one of the principle causes of the delays at the St. Clair and Detroit Rivers border crossings.

In addition, a January 1991 report by the General Accounting Office included Detroit among the eight largest land border crossings which are considerably below staffing guidelines, causing long delays at each of the crossings. INS inspectors call for a ratio of one inspector for every 200,000 annual inspection, but inspectors in Detroit make over 400,000 inspectors each year.

On May 8, the entire Michigan delegation sent a letter to INS Commissioner McNary asking him to address these staffing shortages which are costing the State so dearly in delays and lost sales and which have diminished our ability to attract new businesses. On July 10, the Commissioner responded that INS could not address the staff shortages without additional appropriations from Congress.

So I applaud the chairman for providing funding in this bill for additional inspectors at the high-volume crossings. My question to my colleague is whether, given the GAO study, he expects Michigan-Ontario border crossings to be among the locations receiving additional inspectors.

Mr. HOLLINGS. I am aware of the shortage of inspectors along the Northern border and I am hopeful that these additional inspectors will provide some relief along the Michigan-Ontario border.

Mr. LEVIN. I thank the chairman for his help and his leadership in addressing this need.

NATIONAL INDICATOR STUDY

Mr. JOHNSTON. Mr. President, I want to raise a concern to the managers of the bill regarding fisheries research.

The National Indicator Study [NIS] funded by the Department of Commerce, provides shellfish water standards research to improve the safety of shellfish and protect public health. I am pleased to see that the House and Senate provide $1.5 million to continue this important program in fiscal year 1992.

However, I am concerned with the Senate's approach to funding the program. As in past years, the House report provides a separate line item within the National Marine Fisheries Service budget for shellfish water standards research. The Senate report proposes to include funding for this project within the new seafood inspection initiative. Under the Senate approach, the shellfish water standards program is not listed as a distinct program.

Mr. HOLLINGS. The Senator is correct. We viewed shellfish safety as a part of the overall program to enhance safety and product quality of fisheries products.

Mr. JOHNSTON. I appreciate that. While I recognize that inspection and water standards research for shellfish are a critical component of the comprehensive safety program, I am concerned that changing the funding relationships between NMFS and the shellfish water standards program could cause problems for an ongoing program that has proven to be quite successful.

Mr. HOLLINGS. If the Senator will yield, he makes a good point. I can assure him that the committee did not intend in any way to reduce the effectiveness of this program. I would be pleased to agree with the House approach in conference, and to provide funding for shellfish water standards research in a separate line item.

Mr. JOHNSTON. I appreciate the chairman's cooperation. In addition, I am concerned that the academic and scientific status of the National Indicator Study be retained. I believe that the best means of accomplishing this is to have the Louisiana Universities Marine Consortium [LUMCON] continue to act as the fiscal and administrative agent for the day-to-day scientific management of the program. LUMCON has provided for several years their scientific and fiscal management expertise for the NIS with very modest cost recoveries to help the shellfish industry and to foster an important research effort.

Mr. RUDMAN. I am sure that the Senator from Louisiana knows that the committee recognizes and appreciates the consortium's contributions to seafood safety. I am sure that the committee would expect that the Louisiana consortium maintain its capacity with respect to the scientific management of the NIS.

Mr. HOLLINGS. I agree. In addition, the Interstate Shellfish Sanitation Conference has a legitimate and important role in providing administrative oversight for the program. The ISSC Board, with consultation and confirmation from the participating Federal agencies, the ISSC and the shellfish industry—through the SINA Board—will establish the NIS Advisory Committee which will be responsible for oversight and general administration of the NIS. The committee will elect its own Chair from the membership.

Mr. JOHNSTON. I thank the Senator from South Carolina and the Senator from New Hampshire. I appreciate their willingness to address these management concerns and their sensitivity to our situation in Louisiana.

CHIEF FINANCIAL OFFICERS ACT

Mr. GLENN. Mr. President, I should like to take this opportunity to address a very important topic: The implementation of the Chief Financial Officers Act of 1990 as it relates to the matter pending before us.

Let me first express my appreciation to the distinguished chairman of the Senate Appropriations Committee and the subcommittee, as well as the ranking minority members, for their leadership in removing the restrictive language included by the other body that would have prohibited the expenditure of funds to implement the CFO Act. Similar language was removed by an overwhelming vote in the House during deliberations on the Treasury/Postal appropriations measure. However, restrictive language had survived earlier in the House version of this bill.

The Senate has asserted its leadership and has ensured that none of the appropriations bills will include such restrictive language. Both Houses have now made it abundantly clear that all 23 departments and agencies covered by the CFO Act should not be restricted from implementing the requirements of the act.

I believe the distinguished subcommittee chairman would also agree with me that the Departments of Commerce, State, and Justice will benefit greatly from the implementation of the CFO Act. In the case of Justice, for example, it has identified several areas in need of financial management reform. The CFO Act provides the opportunity and needed impetus to get on with this reform. It will help especially to produce more reliable financial reports and more timely management information needed by the agencies, the President, and the Congress.

Mr. HOLLINGS. Mr. President, I wish to associate myself with the comments of the distinguished chairman of the Governmental Affairs Committee. I compliment him and the other members of the Governmental Affairs Committee for their leadership in the enactment of the CFO Act. Throughout the Federal Government, as well as in Justice, there is a need for better and more uniform financial management procedures and control. In Justice's case, the GAO has recently cited the

Immigration and Naturalization Service as needing to increase its financial accountability and controls. The CFR structure contemplated by the Department of Justice should enable the marshaling of the necessary resources to meet these kinds of challenges. Let me be clear, nothing should be construed as impeding the Department from using its resources to further CFO Act implementation.

PUBLIC SAFETY SERVICES

Mr. BUMPERS. Mr. President, I wish to address an issue of serious national concern. The Federal Government is proposing actions that could have a severe impact on State and local public safety services across the country. The Federal Communications Commission is proposing to reallocate portions of the radiofrequency band that are heavily used by public safety authorities for new technologies. Many States believe that the reallocation of these services to new frequency bands could result in costs to State and local governments that could rise into the hundreds of millions of dollars.

Mr. President, I realize that the frequencies around 2 gigahertz are much sought after by proponents of new technologies. But the Federal Government should not withdraw frequencies from present users without protecting the rights of those that currently use those frequences. Before the FCC or any international agreement reallocates these frequencies, the FCC must ensure that the concerns and the costs of public safety users are resolved.

Mr. HOLLINGS. Mr. President, I agree with my distinguished colleague, the Senator from Arkansas. Public safety users of the spectrum perform tremendously important functions for our society that cannot be dismissed. These users include police, fire, legal, and medical services that are essential public services.

As you know, I am of the opinion that Congress should not get involved in specific frequency allocation decisions before the Federal Communications Commission. I believe that the FCC is clearly the expert body when it comes to determining which service should receive which frequencies. These decisions require detailed engineering studies concerning power levels, interference, coverage areas, transmission modes, and other considerations that are totally beyond the realm of congressional consideration. These are exactly the kinds of questions that the FCC was created to make.

Furthermore, allowing the legislative process to make decisions concerning specific frequency allocations could be dangerous to our national competitiveness. If Congress were to control the distribution of frequency rights, incumbent licensees might gain an advantage over new entrants. In addition, the legislative process might work so slowly that it could cause substantial delays in the introduction of new, spectrum-based technologies.

For these reasons, Congress has never passed legislation making specific frequency allocation decisions, and I support that position.

This is not to say that public safety users do not have substantial concerns that must be considered by the FCC. I agree that the FCC should take action to ensure that public safety services continue to be widely available to all citizens. The FCC should keep in mind that State and local governments have few resources to make wholesale changes in the equipment they use for public safety purposes. Even though there are other frequencies available that public safety users can employ in the 6 gigahertz, 11–12 gigahertz, and 18 gigahertz ranges, changing to these frequencies will force State and local government authorities to incur substantial costs. I urge the FCC to move carefully and deliberately with respect to these frequencies to protect public safety spectrum users. In fact, all government agencies should take into account the valuable contributions made by public safety users when considering actions affecting public safety services.

Mr. BUMPERS. I thank my colleague from South Carolina. I see that he recognizes the important contributions of public safety concerns and that he is cognizant of the costs that such a reallocation of frequencies could impose. I appreciate his willingness to join with me in sending this message of concern to the FCC on this matter.

USIA J VISA PROGRAM

Mr. SASSER. Mr. President, I would like to engage the manager of the bill in conversation for a moment, if I might, on an issue that continues to be of concern to me.

That issue is the U.S. Information Agency's proposed regulations regarding flight training programs and the ability of foreign pilot trainees to obtain J visas. Those regulations relate to the practical training component of these programs but if unwisely implemented, they could undermine the entire pilot training program.

My specific concern is that they do not sufficiently recognize the need for the student to serve a period of time as a student instructor. I wonder if the manager of the bill could offer me some hope that USIA intends to recognize the role of the practical training component of pilot training programs.

Mr. HOLLINGS. Yes, Mr. President, if my friend from Tennessee will yield on that point. I have been in touch with USIA on this matter. My understanding is that USIA's concern with this issue arose because of a General Accounting Office report which indicated that some schools were using the practical training component of their educational programs as a cover for normal employment. As I understand it, GAO found that some schools do not closely monitor the work their supposed students are doing, not the training they may be receiving.

I believe that USIA recognizes that practical training is included under the definition of training. USIA's concern is the small number of schools which may be abusing the J visa.

Mr. SASSER. I thank my friend, the manager of the bill, for that response. I am still concerned, however, at how USIA will apply these regulations.

Neither of us, nor the pilot training schools themselves, would disagree with ending the abuse of J visas. However, these programs have a practical training requirement for a very specific reason. That training, usually as a student instructor, is one step in qualifying for a air transport pilot rating, a standard recognized by the FAA as well as international aviation organizations.

Could the manager tell me whether he feels the USIA recognizes the difference between work and training?

Mr. HOLLINGS. Yes, Mr. President, I hope they do. I have been assured that they recognize the role of a properly monitored program of practical training.

Mr. SASSER. I thank the manager, and I wonder if he would be willing to agree that the subcommittee should continue to monitor USIA's implementation of these regulations?

Mr. HOLLINGS. Yes, Mr. President, we can do that. I believe that USIA now recognizes the proper role of these training programs, but certainly the subcommittee will keep an eye on this matter.

JOHN CARROLL UNIVERSITY USIA

Mr. METZENBAUM. Mr. President, I wish to bring to my colleagues' attention a proposal submitted by John Carroll University of Cleveland, OH, to the U.S. Information Agency. John Carroll is seeking USIA educational and cultural activities program support to bring Czech and Slovak business managers, labor leaders, and academicians to its school of business next summer. The distinguished chairman of the subcommittee and manager of the bill is aware of John Carroll's innovative proposal.

John Carroll has a longstanding relationship with the Czech and Slovak Republic generally, and with the Charles University in particular. The summer institute will help teach citizens of emerging democracies about free market operations.

Mr. President, the committee has given special recognition in the past to other universities with similar projects. It is my hope that John Carroll University's innovative project can be treated in the same fashion as those mentioned in the current, and previous, Senate reports. I would be very appreciative if the subcommittee chairman and ranking member could

accommodate such an adjustment in conference, should the opportunity present itself.

Mr. HOLLINGS. Mr. President, we are not able to offer any firm promises, but we will certainly do whatever we can.

Mr. RUDMAN. I would certainly be willing to explore making the adjustment requested by the Senator from Ohio.

MANAGEMENT OF PELAGIC SPECIES

Mr. INOUYE. Mr. President, I rise to clarify the intent behind the Commerce, Justice, State Appropriations Committee's recommendation to appropriate $2 million in fiscal year 1992 for the management of pelagic species.

The funding included by the committee at my request, is based on a specific 5-year plan developed by the Western Pacific Regional Fishery Management Council in conjunction with the Pacific Basin Development Council which is comprised of the Governors of Hawaii, Guam, American Samoa, and the Northern Marianas.

Pursuant to this plan, these funds will be used for: First, stock boundary identification and tagging experiments; second, fisheries interactions and catch rate studies; third, economic research to determine the optimum size of fleets and their gear for harvesting pelagic species; fourth, research to determine changes in the size and structure of tuna stocks and fishing mortality; and fifth, research to understand the principal factors which govern the dynamics and ecology of tuna and billfish stocks.

This program contemplates combining the expertise of the University of Hawaii, Western Pacific Regional Fishery Management Council, and the National Marine Fisheries Service.

To insure that the funds appropriated by this committee are used to fulfill the purposes intended by the committee, these funds will go to the Joint Institute for Marine and Atmospheric Research, which was created under the terms of a Memorandum of Understanding between the National Oceanic and Atmospheric Administration [NOAA] and the University of Hawaii.

I also wish to clarify that these funds are enhancements and are to supplement, not supplant, fiscal year 1992 funds earmarked for the Honolulu Laboratory for basic fisheries work to support the Western Pacific Regional Fishery Management Council.

Mr. HOLLINGS. The Senator from Hawaii has stated the facts clearly and concisely. I understand that some bureaucrats have decided to try to abscond with the funds increased at the Senator's request for Pacific tuna and billfish. I want to make it perfectly clear to NOAA that the recommended increase is for a program to be managed in Hawaii.

Mr. RUDMAN. I also agree with the intent of the appropriation as described by Senators INOUYE and HOLLINGS.

Mr. GRAMM. Mr. President, I wish to ask the managers of the bill, Senators HOLLINGS and RUDMAN, to focus their attention on a program within the Coastal Management account. Although there is no explicit appropriation for section 308 of the Coastal Zone Management account, it is my understanding that up to $200,000 can be made available to assist States in complying with the eligibility requirements to assist States in complying with the eligibility requirements of the Coastal Zone Management Program. Therefore, would I be correct to assume that given the substantial increase in funding for the Coastal Zone Management Program, there would be up to $200,000 available for Texas, if Texas decides to pursue inclusion in the Coastal Zone Management Program?

Mr. HOLLINGS. Yes. The funding in this account should be sufficient to cover the request. Considering its substantial coastline, I think it is a good idea for Texas to become involved in the Coastal Zone Management Program, and I applaud the efforts of my friend from Texas to include Texas in the program.

Mr. RUDMAN. I agree with my chairman. Should Texas decide to pursue this course, NOAA is expected to make up to $200,000 available through section 308.

Mr. GRAMM. I appreciate receiving that clarification from the chairman and ranking minority member.

MARAD'S READY RESERVE FLEET

Ms. MIKULSKI. Mr. President, during committee consideration of this bill, I proposed an amendment, later modified by Senator STEVENS and accepted by the committee, which would require that the Maritime Administration buy only U.S.-owned or U.S.-flagged ships for inclusion in our ready reserve fleet. The amendment further requires that any upgrade of new vessels be done in U.S. shipyards.

By way of background I should explain that MarAd procures Ready Reserve Fleet ships to support the military in times of national emergency. DOD independently has funding to build new sealift vessels. Unfortunately, DOD and MarAd have indicated their intention to buy mostly, if not solely, foreign-built and foreign-flagged ships.

Congress has been urging DOD to adequately address our Nation's military sealift shortfall for years. $1.3 billion has been appropriated over the last 2 fiscal years for DOD to build a series of ships to meet the military's stated need for fast sealift. Such a program will serve two purposes. It will provide the right types of ships to meet the military's specific lift requirements, and it will help to sustain the shipbuilding, ship repair, and supplier base which is critical to our national security.

Rather than executing the fast sealift construction program, however, an effort is underway by the Maritime Administration and the Navy to buy used ships from foreign countries for layup in the ready reserve fleet—regardless of whether these ships meet the military's requirements.

The DOD–MarAd approach will not provide jobs for U.S. shipyards or repair yards. And it will not provide U.S. shipyards with the opportunity to build a series of ships which will enable them to transition themselves back into the commercial market as the Navy shipbuilding program declines.

Mr. STEVENS. The Senator from Maryland is correct. It is imperative that DOD execute as soon as possible the sealift construction program which will adequately meet the military's fast sealift needs while providing a shipbuilding base in this country, and this bill sends a signal to DOD that it needs to submit a plan to this effect. In the meantime, the Senator's provision will encourage MarAd to buy American ships.

Mr. HOLLINGS. If the Senator from Alaska would yield, I fully agree with the Senator. It is important that DOD and MarAd establish a balanced program which truly meets the national defense sealift needs and which supports the U.S. industrial base. Until it does, this bill will ensure that DOD not use MarAd to perform an end run around congressional intent.

Ms. MIKULSKI. I want to thank the Senators from South Carolina and from Alaska for their work on this critical matter and for their commitment to U.S. industry and workers.

WORLD AGRICULTURAL TRADE

Mr. PRESSLER. Mr. President, I am increasingly alarmed at the slow pace of the current Uruguay round of the multinational trade talks, which began in September 1986. A free—but more importantly—a fair trade agreement is far overdue. It is time we realize the importance of these negotiations and resolve the problems that have plagued this agreement.

The stumbling block in these trade talks has been agricultural trade issues. It distresses me that the parties involved have not been able to resolve this troublesome problem. I was surprised to read in a recent article that for every $1 of revenue we receive from agricultural exports, $1.65 of additional output is generated in our economy. Recent indicators show that our recovery from the recession probably will be slow. It is only logical that if we increase our agricultural exports we can stimulate our economic recovery. Every State in the Nation raises some agricultural products and has industries that are based upon agricultural products. If a comprehensive world agricultural trade package is signed, the United States will benefit from more stable world agricultural markets.

Mr. President, there are a number of trade packages on the table, but none of them adequately addresses U.S. agricultural trade concerns. We must push for an agreement that serves the long-term interests of U.S. agricultural producers.

The U.S. farmer is the most efficient producer in the world, yet we are unable to capitalize on our farmers' efficiencies because of unfair trade practices. Presently, the nations of the European Community subsidize their farmers so heavily that no other country can compete fairly with them. We, too, support our agricultural industry, but not nearly to the extent of the Europeans. Agricultural subsidies total about 54.7 percent of the European Community's annual budget. Total European Community agricultural subsidies for 1990 amounted to $34.03 billion, more than four times the amount of support provided by various U.S. farm programs. In fact, the Europeans subsidize up to 50 percent of a farmer's income on certain commodities. This practice is the major roadblock to a fair and lasting international trade agreement. The European Community is reluctant to reduce substantially the amount of subsidies given their farmers. But massive farm subsidies are not a long-term solution to the problems facing farmers around the globe. An international agreement to eliminate or severely reduce the amount of agricultural export subsidies would help to reduce barriers to trade and open foreign markets that have been closed to our American agricultural products.

As I said before, in order to become a fair trading partner, the European Community must sharply reduce its enormous farm subsidies. This point cannot be stressed strongly enough. Instead of providing this unfair level of subsidies, the European Community could take land out of production, as the United States has done. We have taken nearly 50 million acres out of production. The European Community needs to do the same. Instead, it has taken advantage of our land conservation programs by putting more land under the plow.

For several years I have championed the idea that there should be an international agricultural land conservation reserve treaty. Under such a treaty, the major grain producing and exporting nations would agree to a fixed percentage of their agricultural land out of production for a fixed period of time; for example, 10 years. Provision could be made for putting land back into production should shortages develop. Such a treaty would stabilize world grain production and prices, reduce surpluses and protect or conserve fragile lands that should not be farmed.

If we are unable to reach a fair agreement on agricultural trade, I am afraid that many of the small farmers of not only South Dakota, but of the world, will not be able to survive. An agreement on agricultural trade would benefit everyone.

TITLE IV MARINE RESEARCH FUNDS

Mr. MITCHELL. I would like to seek a clarification on an item referred to in the committee report.

Mr. HOLLINGS. I will be pleased to respond to whatever concern the Senator from Maine may wish to raise.

Mr. MITCHELL. The committee report on page 63 refers to title IV of the Marine Protection, Research, and Sanctuaries Act. The reference is to legislation which I authored establishing Federal support for regional marine research programs.

Mr. HOLLINGS. That is correct.

Mr. MITCHELL.. The report language refers to regional marine research centers. However, I believe the intent of the provision is to fund regional programs as opposed to physical centers. In New England's Gulf of Maine, the program will be administered through a regional marine research board in coordination with the Maine/New Hampshire Sea Grant Program. These are minor clarifications which are consistent with the title IV authorization.

Mr. HOLLINGS. The Senator from Maine is correct in that clarification. The provision is intended for research programs rather than physical centers, and the Gulf of Maine Program will be coordinated with the Maine/New Hampshire Sea Grant Program.

FREQUENCY ALLOCATION

Mr. HOLLINGS. I would like to clarify one statement that was made earlier concerning the FCC's need to consider the concerns of public safety services in making its frequency allocation decisions. The Federal Government has not proposed reallocating the frequencies used by public safety authorities, but the FCC is considering the feasibility of reallocating such frequencies. Basically, the FCC is still investigating and studying these issues.

Also, I would like to point out that the FCC is considering the cost impact in addition to the technical feasibility of any possible reallocation that may affect public safety users. In fact, the FCC is reviewing suggestions that the new service providers might be required to pay the relocation expenses of the incumbent users of these frequencies, including the public safety users. I urge the FCC to move carefully and deliberately with respect to these frequencies to protect public safety spectrum users.

Mr. GORE. I would like to join with my colleagues from South Carolina and Arkansas, who spoke earlier, with regard to the need to recognize the legitimate concerns of public safety users of the spectrum. Reallocating these frequencies could result in State and local governments bearing substantial costs of relocation. I encourage the FCC and all Federal Government agencies to find a way to protect the interests of State and local governments and public safety users in making their frequency allocation decisions.

SUPPORT OF TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Mr. ROCKEFELLER. Mr. President, I want to commend the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Hampshire [Mr. RUDMAN] for their efforts on behalf of the Trade Adjustment for Firms Program. Once again they have saved this program from the administration's death sentence, and in doing so have helped save the jobs of numerous workers in small businesses throughout the United States.

Not many people know about this program, Mr. President, as it is quite small compared to the Trade Adjustment Assistance Program for workers, which provides funds for retraining and job search to workers who have lost their jobs due to imports. The firm program, also part of the Trade Act of 1974, helps firms that have been hurt by imports get back on their feet. Once certified, a firm develops an adjustment plan with the help of professional consultants and marketing experts, which the firm can afford thanks to the assistance provided by the Government. The plan, of course, is tailored to each specific situation. Sometimes a new marketing strategy is devised; sometimes a switch to different products. Often, new, up-to-date equipment is obtained to help improve productivity.

This program is administered through 12 regional Trade Adjustment Assistance Centers, TAAC's, located throughout the country. They work closely with each firm and help obtain the necessary advice in each case. This is a very small program. The annual allocation to the TAAC's is generally in the $10–$12 million range—for the entire country.

While there has been substantial anecdotal evidence over the years of the successes the TAAC's have had revitalizing smaller businesses, I was pleased to see that this year there has been an effort to quantify the program's impact for 1988–90. To accomplish that, the TAAC's have provided aggregated data on how their various clients have performed both prior to and following certification for this program. Taken as a whole, the data shows that in the 2 years prior to certification, the firms that have used this program suffered a decrease in employment of 5,373. Following certification, the firms have regained 3,343 of those jobs. In some parts of the country—the Northwest, the Rocky Mountain States, and the Great Lakes States—more jobs have been created than were lost.

Looking at sales, the same pattern emerges. These firms' sales declined over $300 million in the 2 years prior to certification. Since certification they

have increased over $600 million—more than double the loss before entering the TAA program.

Mr. President, these statistics demonstrate that this program works, and that it is cheap. The jobs and sales gains are extraordinary in light of the very small amount of Federal investment. The great mystery surrounding this program is why the Reagan-Bush administrations have sought to kill it every year for the last decade. One of the reasons why we have a competitiveness crisis in this country is precisely this kind of myopia. Because these are firms in industries hard-pressed by imports—often called "sunset" industries—President Bush would apparently prefer to let them die and assume all those workers can find other jobs.

The reality, of course, is much different. As we have learned from looking at profiles of workers who receive TAA benefits, they are more often than not women and minorities, frequently immigrants, with minimal education and job skills. Many of these small companies are located in rural areas with limited job alternatives. When these businesses close, the workers don't find other jobs, and they don't move away. They stay where they are and begin to use other Federal programs, like welfare, to survive. It is penny-wise and pound-foolish in the extreme to assume we will be saving Federal money by abolishing this program.

Maintaining an effective TAA program for both workers and firms is a prudent and cost-effective strategy that pays off in more jobs, improved productivity, and greater economic growth. Now that this data about the success of this program is available, I hope it will bring to an end the foolish debate Congress has had with the administration for the past 10 years and solidify the support TAA has had since its inception in 1974.

The Appropriations Committee understands this issue well, Mr. President, and I commend them once again for that understanding and for their determination to do the right thing.

NATIONAL MARINE SANCTUARY PROGRAM

Mr. GRAHAM. Mr. President, I congratulate the distinguished Senator from South Carolina for his leadership in developing the appropriations bill for the Departments of State, Commerce, Justice and the Judiciary. Under the given budget constraints, Senator HOLLINGS has done an excellent job of balancing the many interests in this bill.

I particularly want to commend the Senator and the Appropriations Committee for the recomendation of an increase in the National Marine Sanctuary Program. As our appreciation for unique marine resources grows, so do the needs and responsibilities of this program within the Department of Commerce.

Under the leadership of Senator HOLLINGS as Chair of the Senate Commerce Committee, the Senate approved legislation last session designating the Florida Keys National Marine Sanctuary. This bill was strongly supported by individuals and organizations with commerce, recreational, and conservation interests. The fragile coral reefs off the coast of the Florida Keys are subjected daily to misuse, often unintentional.

This bill signed into law on November 16, 1990, authorized $1 million for administering the Florida Keys Marine Sanctuary. The bill also authorized $1.5 million over 2 years in Environmental Protection Agency funds for development of a water quality management plan.

The Senate has already approved the authorized funding level for the EPA programs and today moves toward ensuring that the necessary funds for administering the entire sanctuary are provided by this appropriation bill.

The Senate Appropriations Committee report accompanying H.R. 2608 notes that the newly established Florida Keys Marine Sanctuary and other new sanctuaries require an increase in the program from $3.8 million to $5.5 million. It is my hope that the House and the President will agree to this increase and that the Department of Commerce will dedicate a significant portion of the appropriated increase to the Florida Keys Sanctuary as is clearly congressional intent based on the earlier authorization legislation.

COASTAL AND FISHERIES PROGRAMS

Mr. LAUTENBERG. Mr. President, I am pleased that H.R. 2608 provides strong support for NOAA's coastal and fisheries programs. These programs are of immense importance to New Jersey's coastal economy and the health of New Jersey's marine ecosystems.

At my request, H.R. 2608 includes funding for a number of programs. The bill provides $3 million to establish a new undersea research center to conduct research in the waters off New Jersey and Long Island. New Jersey's coastal ecosystems generate $8 billion to the economy and provide enjoyment to millions. Yet, these ecosystems have been subject to much abuse. Expanding research efforts in the waters off New Jersey and Long Island, which is a congressional designated marine research region, is one important step in our effort to maintain the health of our coastal waters. Until the new center is established, the Rutgers Institute of Marine and Coastal Sciences is to remain in the role of acting undersea center.

H.R. 2608 includes $150,000 to complete research being conducted by the New Jersey Marine Science Consortium to study the feasibility of recycling fishnets. Fishing gear presents a threat to marine resources if not disposed of on land. Yet, there are few alternatives to disposal other than landfilling. This results in a solid waste problem. According to a recent report on beach cleanups by the Center for Marine Conservation, 3,600 plastic fishing nets came up on the New England beaches last year.

The bill also appropriates $500,000 requested by the administration but deleted by the House to establish a marine mammal tissue bank and to expand the marine mammal stranding centers. The tissue bank will contain tissues from dead marine mammals which would be archived for future retrieval and study. The bank would assist scientists in trying to identify the causes of catastrophic marime mammal events such as the dolphin mortality which occurred off the east coast in 1987. NOA also would develop protocols for the collection of marine mammal tissues.

Funding also would be used to strengthen the marine mammal stranding network authorized under the Marine Mammal Protection Act including the stranding center in Brigantine, NJ. This will improve NOAA's capability to identify the causes of catastrophic marine mammal events and improve NOAA's ability to coordinate stranding network efforts.

H.R. 2608 provides $1.5 million for observers on east and gulf coast fishing vessels to collect and analyze data to manage highly migratory species. Last year, the Congress passed the Fisheries Conservation Amendments of 1990, reauthorizing the Magnuson Fishery Conservation and Management Act (MFCMA]. That legislation gave the Secretary of Commerce authority over any highly migratory species fishery that is within the geographical area of authority of the five Regional Fishery Management Councils of the Atlantic Ocean. Section 304(f)(B) of the MFCMA as amended requires the Secretary to identify research and information priorities, including observer requirements and necessary data collection and analysis for the conservation and management of highly migratory species. The funding will provide statistically sufficient data for management of these stocks which are so important to fishermen in New Jersey and other east coast States.

I am also pleased that the bill rejects proposed administration cuts for the Coastal Zone Management, Sea Grant, and State Fishery Grant Programs all of which are important to New Jersey. I opposed the administration's proposal

Finally, I am pleased that the bill includes the administration's request of $13,700,000 to fund global warming and other environmental research and modeling efforts at the Geophysical Fluid Dynamics Laboratory [GFDL] in Princeton. GFDL is one of the world's premier global warming research and modeling centers.

I commend Senator HOLLINGS and Senator RUDMAN for their leadership and I urge my colleagues to support H.R. 2608.

AMENDMENT NO. 897

Mr. BIDEN. Mr. President, yesterday the Senate approved an amendment that I offered to S. 1433, the State Department authorization bill. The provision, amendment No. 897, requires the President to report to Congress on Chinese nuclear, chemical, biological and missile proliferation practices in the Middle East and South Asia.

This amendment is necessary for Congress to understand fully the extent of Chinese proliferation practices in unstable regions of the world. As I repeatedly stressed during the debate regarding MFN status for China, when it comes to weapons proliferation, China has become a rogue elephant.

In recent months, numerous reports have detailed China's plans to transfer modern ballistic missiles to Syria and Pakistan, and its transfer of nuclear technology to Algeria. In addition, there have been extremely troubling rumors of Chinese nuclear cooperation with Iran.

These transfers, if they occur, would pose a clear and present danger to international security.

The amendment I proposed—and which was accepted on a voice vote—would require the President to report to Congress, within 90 days of enactment, on Chinese actions to improve the military capabilities of nations in the Middle East and South Asia, with a particular emphasis on the transfer of ballistic missiles, nuclear-weapons grade material, and chemical and biological weapons. The amendment would also require an immediate report any time that the President determines that China is preparing to transfer such materials or systems.

Mr. President, I would like to express my appreciation to the managers of the bill for accepting this amendment.

COMMODITY CLASSIFICATION FEE

Mr. ADAMS. Mr. President, it has come to my attention that the Department of Commerce intends to charge a fee for commodity classifications, which exporters must have in order to get the appropriate export license. This was not discussed at any time during the Appropriations Committee's consideration of H.R. 2608.

Past experience suggests that this proposal is certain to be controversial and counterproductive. In 1987, the administration proposed charging a $50 fee for export licenses. The proposal met a storm of criticism from both industry and Congress. As a result, the Omnibus Trade and Competitiveness Act of 1988 amended section 4 of the Export Administration Act [EAA] to specifically prohibit the charging of fees "in connection with the submission or processing of an export license application." As the Senate Banking Committee pointed out in its report on the Senate version of the act:

In a period when exporting must be encouraged the committee wants to make sure that processing of licensing is not looked at as a source of revenue for the Government.

In effect, charging a fee for commodity classifications constitutes a tax on exports, which is unconstitutional. Not only does it tax exports, it represents a tax on citizens who are trying in good faith to abide by onerous, complex Federal regulations.

This fee is particularly burdensome on small- and medium-sized exporters who do not have the resources in Washington to wade through the bureaucratic maze of red tape to ensure that they get the right answers and to ensure that their classifications are handled efficiently. In addition, these are the same exporters that other Government agencies and programs are encouraging to export.

This proposal comes at a time when we can ill afford to unnecessarily impede legitimate, commercial trade.

Mr. HOLLINGS. Mr. President, I am concerned about the fees on commodity classifications. This proposal comes at a time when the government has radically altered the export control system with much needed changes in the Cocom East-West controls and controls for nonproliferation.

It is critical that the nonproliferation controls be adhered to and an increasing number of exporters will have to obtain classifications to determine how their products are controlled and what type of licensing is required for export of their products.

The Commerce Department will be charging for a classification that may have no legal standing and could be challenged by other agencies with overlapping jurisdiction. This fee should be considered by the appropriations conference committee.

Mr. ADAMS. I agree with the Senator from South Carolina. It seems to me that the Appropriations Committee may need to place this proposal on hold to enable Congress to consider this questionable fee.

COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 2608, the Commerce, Justice, State appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $1.7 million and is under its 602(b) allocations in outlays by $0.6 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator RUDMAN, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 2608—COMMERCE, JUSTICE, STATE SUBCOMMITTEE—SPENDING TOTALS

[Senate Reported; in billions of dollars]

Bill summary	Budget authority	Outlays
H.R. 2608:		
New BA and outlays	21.6	16.2
Enacted to date	0.5	5.6
Adjustment to conform mandatory programs to resolutions assumptions	(*)	−(*)
Scorekeeping adjustments	0.0	0.0
Bill total	22.1	21.7
Senate 602(b) allocation	22.1	21.7
Total difference	−(*)	−(*)
Discretionary:		
Domestic	16.0	15.8
Senate 602(b)	16.0	15.8
Difference	−(*)	−(*)
International	5.0	4.9
Senate 602(b)	5.0	4.9
Difference	0.0	−(*)
Defense	0.2	0.2
Senate 602(b)	0.2	0.2
Difference	−(*)	−(*)
Total discretionary spending	21.2	20.9
Mandatory spending	0.9	0.9
Mandatory allocation	0.9	0.9
Difference	0.0	0.0
Discretionary total above (+) or below (−):		
President's request	0.2	−0.3
Senate-passed bill	NA	NA
House-passed bill	1.1	0.6

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the only amendments remaining in order to this bill, in addition to the two excepted committee amendments, be the following first-degree amendments: An amendment by Senator SEYMOUR to provide additional funding for border patrol agents, with a 20-minute time limitation equally divided in the usual form; an amendment by Senator GRAMM, of Texas, to cut legal services funding, with 20 minutes equally divided and in the usual form.

I further ask unanimous consent that any rollcall votes ordered on or in relation to these listed amendments be stacked to occur beginning at 10:30 a.m. on Wednesday, July 31, when the Senate will resume consideration of this bill; that upon the disposition of these amendments and then remaining committee amendments the Senate, without interventing action or debate, proceed to third reading and final passage of the bill.

I further ask unanimous consent that the votes following the first vote be for 10 minutes only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, it is my understanding that the two amendments will be offered and debated this evening, and then tomorrow morning the votes will occur on the two amendments and then on final passage of the bill.

So there will be three votes beginning at 10:30 a.m. We will go to the DOD authorization bill beginning at 9:15 with debate only—opening statements, in fact, from 9:15 until 10:30—and then, following the votes on the pending bill at approximately 11:15 we will proceed to receive amendments on the DOD bill.

I yield to the distinguished Republican leader for such comments as he may wish to make.

Mr. DOLE. No. I just say hopefully we will move rather quickly on the DOD authorization bill.

Mr. MITCHELL. Accordingly, Mr. President and Members of the Senate, there will be no further rollcall votes this evening. I thank the managers for their diligence in this matter and the distinguished Republican leader for his usual cooperation.

ECONOMIC DEVELOPMENT ADMINISTRATION

Mr. CHAFEE. Mr. President, I was wondering if, once we get back on the bill, I could be permitted to speak for 1 minute on the bill prior to the amendments coming up.

I note in here that on page 80 of the report the Economic Development Administration is given an appropriation of $226 million. I ask the distinguished chairman of the committee if that was authorized.

Mr. HOLLINGS. Mr. President, I think the correct answer to the distinguished Senator is that EDA has not been authorized since 1981. The answer is "no."

Mr. CHAFEE. Does it mean anything to the committee whether a program has been authorized, or did it just go ahead and appropriate?

Mr. HOLLINGS. It distresses this Senator that it has not been authorized.

Mr. CHAFEE. Would it distress him to the degree that he would support a motion to eliminate that since it has not been authorized?

Mr. HOLLINGS. No, we have to provide economic development to this country. I think that is the primary concern of this Senator.

Mr. CHAFEE. I see. So whether a program has been authorized or not makes no difference. Is that in sum the approach?

Mr. HOLLINGS. That is not the sum of the approach, but you learn through working on these measures. For example, 70 percent of this bill is not authorized. If we approach our duties in that fashion, we would never have a bill.

Mr. CHAFEE. Mr. President, my time is up. I just want to say I see no point in having authorizing committees here. I think either we ought to abolish the authorizing committees and have the appropriators do it all or have the appropriators abolished and the authorizing committees take over that responsibility. Here is a clear example, where this program has not been authorized since 1981, and every year the appropriators merrily go ahead and appropriate as they wish.

The junior Senator from Kansas has some suggestions on reauthorization in the Senate. One of them is combining the authorizing and appropriating committees. I think if we are going to continue like this, it makes excellent sense—no point in having the authorizers around. I think it is too bad. I think there is a function for the authorizing committees and they should not just be run over roughshod.

I want to thank the Chair. I thank the chairman.

AMENDMENT NO. 944

(Purpose: To require the transfer of $48,410,000 from the Legal Services Corporation to the Federal Bureau of Investigation.)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 944.

Mr. GRAMM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 71, strike line 2 and insert the following: "for special contingency funds, and of which $48,410,000 shall be transferred to the Department of Justice and made available to the Federal Bureau of Investigation (which amount shall be in addition to other sums appropriated to the Department of Justice and made available to the Federal Bureau of Investigation by this Act), and the Board of Directors of the Legal Services Corporation shall reduce the foregoing allocations as the Board considers to be appropriate.".

Mr. GRAMM. Mr. President, this is a simple amendment about priorities. The committee has underfunded the President's request for the FBI, by $48.41 million.

I would like to remind my colleagues that by a vote of 71 to 26 the Senate adopted the crime bill earlier this year, in fact on July 11, 1991. In that bill we voted to increase the authorization for the FBI by another $98 million.

Yet, here we are in the same month that we authorized an additional $98 million in the crime bill for the FBI to deal with the crisis that faces our bleeding Nation; in the same month that we authorized another $98 million for the FBI to fight the war on drugs, we have an appropriations bill before us that underfunds the President's request for FBI by $48.41 million.

Mr. President, let me outline what the $48.41 million requested by the President but not included in this appropriations bill would be used for if the money were restored.

If the money were provided, we would have an increase of $29.9 million, rather than the $8.29 million provided in the bill for white-collar crime. This $21.6 million that my amendment would add back would provide funds for S&L fraud and other white-collar crimes, including public corruption, and further investigation of Department of Housing and Urban Development fraud.

Mr. President, if we do not restore the $21.6 million increase requested by the President for white-collar crime, that means that S&L fraud, HUD fraud, public corruption, and other white-collar crimes that might be investigated, and that might be prosecuted might go undetected. In addition, $14 million which was requested by the President would be added back for technical field support and equipment, and the President's requested increase for information management, for automated data processing and telecommunications would also be restored.

Mr. President, I ask unanimous consent that a letter from William S. Sessions, the Director of the Federal Bureau of Investigation, be printed in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, July 25, 1991.

HON. PHIL GRAMM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAMM: I appreciated the opportunity to speak with you about issues of concern to the FBI. Allow me to thank you again for your strong support and intense interest in significant law enforcement issues, especially digital telephony.

As we discussed, I am concerned about the level of funding for the FBI in Fiscal Year 1992 and beyond. The FBI faces awesome challenges. We must be in a position to address rapidly developing technologies, the savings and loan crisis, the changing world political situation, increasing violence by gangs and the burgeoning need to provide training to all levels of law enforcement. Very recent revelations about the status of the Strategic Arms Limitation Treaty, for example, highlight emerging circumstances that the FBI must be prepared to meet.

The President requested $2.021 billion for the FBI in Fiscal Year 1992. That request includes funding to address the treaty circumstances and a number of other critical initiatives. As you know, the House mark is substantially below the President's request and does not fund our treaty obligations. We are not prepared to meet these obligations absent sufficient funding. Other program enhancements requested by the President are equally important.

As the Senate takes up the Commerce, State, Justice Appropriations Bill, I am hopeful that these issues will be considered. Thank you for expressing interest and working to ensure these important needs are met.

Sincerely yours,

WILLIAM S. SESSIONS,
Director.

Mr. GRAMM. Mr. President, this is a very simple amendment. This committee which, overall has done an excel-

lent job—and I congratulate the chairman and ranking member—has decided to underfund the President's request for the FBI by $48.41 million. Almost half of this money that is being denied the FBI is being denied in the area of white-collar crime, which desperately needs the increased funding.

My amendment would take the $48.41 million from the Legal Services Corporation and fully fund the FBI. It is important that my colleagues remember that, earlier this month, the Senate authorized another $98 million for the FBI and now in the same month, we are underfunding the President's request for the FBI.

Mr. President, I am not here to comment on the merits or demerits of legal services. We have debated this subject on many occasions. This amendment does not necessarily mean that the project we choose to transfer the money from is not a worthy project. It simply means that when you have to make a hard choice, you have to set priorities.

What I am saying in this amendment is that full funding for the FBI, especially in the area of white-collar crimes, is important enough that funds should be taken from legal services to pay for it.

I urge my colleagues to support this amendment, lest we be accused of hyprocrisy, when on the 11th of July we voted to authorize an additional $98 million for the FBI, and now we come along at the end of the month and cut the President's request by $48.41 million. So I urge my colleagues to adopt this amendment.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I will be brief. I always enjoy this annual discussion with my friend from Texas about the Legal Services Corporation. But I do think there are some numbers here that ought to be in the RECORD, which people ought to understand.

Mr. President, the FBI is hardly underfunded. Here are some numbers that I think any Federal agency would be delighted to have in their records. We increased FBI funding from last year's level of $1.69 billion to $1.97 billion, an increase of $280 million, or 16.5 percent. I daresay that few other Federal agencies will have that kind of an increase.

This does not even include, by the way, amounts for the FBI appropriated separately under the organized crime drug enforcement task forces. Under OCDE, we have increased the funding by $19 million, about 22 percent.

It is rather interesting to review the FBI budget, going back to 1981. In 1981 their budget was $681 million. Under this year's bill, the budget is $2.08 billion. Even around here, that is considered a rather hefty increase. I point out that is, in fact, a 205-percent increase over the past decade.

Let us turn to the Legal Services Corporation. In 1981, the Legal Services Corporation, which provides necessary services to poor people in this country, had a budget of $321.3 million. For fiscal year 1991, the figure was $328 million. In other words, over the past 10 years, the appropriation for the Legal Services Corporation increased by only 2 percent.

This year, we are giving them an increase of $21.8 million, a 6.6-percent increase. But the fact is that the increase—if you can call it that—over a 10-year period is under 9 percent. Obviously, in terms of their real buying power, it has shrunk enormously in that 10-year period.

The need for legal services for poor people in this country, considering the economy, is severe. I think every Member of this body can talk to people in his or her home State and understand the services that are rendered.

So I do not believe this amendment does anything other than take an amount of money, which the FBI probably would not even notice, away from an agency where it would cause severe harm to the delivery of their services. I am confident that, again this year, the Senate will see fit to defeat the Gramm amendment.

I yield the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from New Hampshire has pointed out the caution with which we treated the legal services budget. I will submit for the RECORD at this point, letters I have received from various organizations opposed to a reduction in one recommendation for the Legal Services Corporation.

Now, I want to take exception to the idea of the Senator from Texas that somehow Justice and FBI have been treated in a casual fashion in this bill. The fact is that this particular bill increases the FBI $299 million—$280 million, and when you put in the Organized Crime and Drug Enforcement Program increase of $19 million, you have $299 million increase. Specifically, in a 5-year period, we have gone from a Justice Department figure of $3.9 billion to $9.5 billion, $5.6 billion increase, trebling the Department of Justice appropriation in a 5-year period.

And, we have doubled the FBI in that same period of time, and we have added another $299 million this year.

So we have a gracious plan, and it is above the House by $106 million.

I reserve the remainder of my time.

Mr. RUDMAN. Mr. President, I do not see anybody else on the floor who wishes to speak on this amendment. Senator GRAMM'S staff has informed me it would be all right to yield back his time. I so yield back his time, and I also yield back, unless the chairman has something he wants to say.

Mr. HOLLINGS. I yield our time, Mr. President, and move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The vote on the Gramm amendment, by the previous unanimous-consent agreement, will occur tomorrow morning.

Mr. HOLLINGS. On the motion to table?

The PRESIDING OFFICER. Yes.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 946

(Purpose: To provide additional funds for the Border Patrol Program)

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 946.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 99, between lines 7 and 8, insert the following:

SEC. . (a) Except with respect to budget authority provided by titles III and V and lines 1–6 of title I of this Act, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act for expenses under the heading "salaries and expenses", other than payments required by law, is hereby reduced by a percentage such that the total reduction equals $40,000,000: *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

(b) In addition to amounts otherwise appropriated or made available by this Act to the Border Patrol program under title I of this Act, an amount equal to the aggregate of the reductions under subsection (a) of this section is hereby made available to the Border Patrol program as follows: 75 percent of such amount shall be available for personnel for use in connection with the southwest border of the United States, and 25 percent of such amount shall be available for vehicles and equipment for use in connection with such southwest border.

Mr. SEYMOUR. Mr. President, I rise the evening to offer an amendment that reflects my strong concerns on the state of affairs along the Southwest border—an issue that means many things to many people, but to the men and women who have the great and daunting task of patrolling this border region, this issue is of extreme importance.

For the millions of Americans who reside along or near the Southwest border, the men and women of our Border Patrol represent the first line of defense to stop those who illegally cross into our country to traffic narcotics or engage in criminal activities.

Recently, the Senate passed the Treasury, Postal appropriations bill, which provides $10 million for 100 new Border Patrol agents for the Southwest border. I was proud to support that legislation largely because it contained this additional funding.

But frankly, Mr. President, to quote an expert on border enforcement, this addition is "merely gravy."

Last March, the General Accounting Office [GAO] conducted a study on Southwest border enforcement, and concluded that the Border Patrol's nonborder control activities have made staff resources at the border insufficient to carry out their mission. The GAO noted the McAllen sector in Texas, where seven agents—seven—were patrolling 66 miles of border. For 3 hours, these seven agents had other nonborder duties. The result is an unpatrolled 66-mile sector for a 3-hour period.

In San Diego, the most widely traveled border region, a supervisory agent told the GAO that one-third of the border under his jurisdiction was not patrolled.

In short, Mr. President, absent additional resources, we will continue to see aliens effortlessly crossing our border, many of them pawns in America's international drug war.

It is primarily because of the continued flow of drugs that the Border Patrol's role becomes even more important. In 1989, the National Drug Control Policy Board stated that the reduced time at the border may have hurt our drug interdiction efforts. And just this past year, the Office of National Drug Control Policy stated that the Border Patrol is the primary agency for drug interdiction between ports of entry.

But it is naive to think that the solution to our border problems is lack of personnel. Indeed, our border troubles are due to a lack of vehicles and technology.

According to the GAO, more than 50 percent of the Border Patrol's more than 3,000 vehicles should be evaluated for possible replacement. Unless older vehicles are replaced, the border is forced to rely on less reliable vehicles, which if operable, drive up maintenance costs.

With additional funding, the Border Patrol can replace even more vehicles in the coming year, reduce long term maintenance costs, and ensure even more effective enforcement.

Additional assistance is also needed to help the border have the technological means necessary to most efficiently use their corps of agents, especially in areas that suffer from personnel shortages. One need only travel to San Diego to best understand why I am here discussing these matters with you today. I visted this border region earlier this year, and I'll be frank: it was shocking to see what the men and women of Border Patrol are up against. The San Diego region is the most traveled part of the Southwest border. More illegal aliens successfully travel across this region than any other. And, I am sad to say, most of the drugs imported into this country travel across this border.

Like most other border regions, San Diego faces a personnel problem, but their's is more acute—there's is due in part to a lack of funding, but it's alsodue to a high cost of living in the San Diego region. Simply adding more personnel is not going to solve San Diego's Border Patrol problems because its attrition rate will eat significantly into any personnel increase. Over time, with the implementation of Federal pay reform, we can hope to strike at this attrition rate. In the meantime, however, action must be taken to make the San Diego border an effective force against the importation of crime and illegal drugs.

One of the most effective ways to address this problem is to implement a low-light television system along the San Diego border region. With this additional surveillance component, we can more efficiently use Border Patrol agents in the San Diego area. According to one Border Patrol supervisor, several cameras and three agents could monitor an area patrolled by as many as 25 agents.

Now, I am not saying that this camera system is meant to replace agents. Rather, it allows the border to more flexibly use agents in areas other than border surveillance. Indeed, this system will help to compensate the growing nonborder responsibilities the Border Patrol has had to take on as part of its efforts to combat illegal drugs.

Mr. President, my amendment addresses these three areas of concern to the Southwest border region. I strongly believe this amendment is a cost-effective amendment. Indeed, I believe the amendment is a law enforcement measure of the best kind: it is preventive law enforcement.

Absent this amendment, I believe the coming year will be business as usual along the border. It will still be an easy ride for most who desire to sneak across the border.

But Mr. President, I believe it's about time that business as usual be put out of business, because it is hurting many States including my State of California, ability to conduct their businesses.

Now I know what many say: Just because we have failed to catch illegal aliens at the border does not mean we have lost any opportunity to catch people who come into this country illegally. No problem. If these people choose to come into this country to break the law, to traffic drugs, to bring violence to our neighborhoods, no problem, Mr. President. State and local law enforcement will catch them. State and local law enforcement will throw them into jail or prison. State and local courts will try them, convict them, sentence them, and house them in their jails or prisons. And if we're lucky, if we find out that these people came here illegally, we can just send them right out of this country after they serve their time. And if they waltz right back in, do not worry, we will just find them again.

This is quite a merry-go-round, but those who are getting dizzy watching it go round-and-round are the State and local governments who must put up the cost to identify, try, convict, and house criminal aliens.

Let me use my home State of California as an example of the incredible costs being placed because of inadequate border enforcement. As of last April, the California State prisons had custody of 9,621 criminal aliens. This actually is a conservative estimate. Because this figure represents only those that have been identified as aliens. The cost of incarcerating this number totals more than $200 million each year.

But these are just the costs of incarceration. The costs of processing these aliens for deportation and coordinating related activities with the INS adds an additional $2 million each year.

The California Youth Authority houses more than 750 minors who are designated as illegal aliens—9 percent of the youth authority's population of juvenile offenders. And housing these young people amounts to more than $24 million each year.

In short, the State of California must spend a minimum of $226 million each year to deal with criminal aliens, most of them finding their way into prison by way of the Southwest border.

The State of California is upholding its responsibility by incarcerating those who commit crimes. But when those who commit crimes are aliens, that individual is the responsibility of the Federal Government. It is up to us to deal with that person. But California is finding itself bearing a heavy part of the Federal Government's responsibility.

California is just one example of many States that are spending a disproportionate amount of scarce State funds to deal with the severe problem of criminal aliens. I am sure that my colleagues from Arizona, New Mexico, Texas, and even Florida understand my concerns.

The legislation before us does contain some modest but important steps. It contains the necessary increases to base funding to ensure that the Border Patrol will have the funding to hire 100 additional agents. I am also pleased that the committee recognized the need for additional personnel to process the growing caseloads of criminal aliens in our country.

And I am pleased that the managers agreed to an amendment I cosponsored

along with Senator SIMPSON to fund 10 new INS judges to meet the growing number of deportation hearings brought about by the rising criminal alien population.

But more is needed and my amendment is designed to address this need. The demand for more personnel to deal with our criminal alien population in this country will continue to grow until we meet our needs to keep criminal aliens out of our country. After all, it is much more cost effective in both dollars and lives if we keep criminal aliens out of our neighborhoods by stopping them at the border, rather than housing them in our prisons.

Mr. President, I urge my colleagues to support this amendment. We must fully address the impact that criminal aliens are having on all levels of government, our prisons and jails, as well as in communities across America. The rising cost is something that we can't ignore. It requires us, now more than ever, to use our scarce resources more efficiently.

Relative to the cost of this amendment and this beefing up of the Border Patrol, I would just like to say this: The way that we have asked for reductions in order to meet the cost of this amendment is to ask for a very small, very small, less than 1 percent I am told, of a cut in the budget across the board in order to finance these badly needed border patrol officers and equipment.

Mr. President, I urge the support of my colleagues for this amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. HOLLINGS. Mr. President, I have the greatest respect for the distinguished Senator from California. His initial amendment cut straight across the board and used budget function 150, international accounts. Under the budget summit agreement these funds could not be transferred to domestic programs, as we all know. So, in essence, the amendment now before us would cut only domestic discretionary programs. As I understand it, looking at the amendment closely, the U.S. attorneys, FBI, DEA, Federal prison system, the U.S. Trade Representative, Small Business Administration, would all be cut.

The Border Patrol is an agency that has been doubled in the last 5 years. We have the GAO report which shows the actual figure is an increase of 97 percent in the last 5 years. The fact is, last year when the administration asked for a $16 million increase for the Border Patrol, we gave them $20 million. This year they asked for no increase and we gave them $5 million more.

I studied and Senator RUDMAN studied closely that GAO report. There was some complaint we heard that while they got increased funding, the Department of Justice was not allowing the moneys to go forth to the particular border patrol. The fact is we reprogrammed $7.6 million in 1987, in 1988 another $12.1 million, in 1989, another $14.4 million. So in that period of time, here in the last few years, we have reprogrammed an additional $26.5 million to the border patrol. I hope we would not cut these other programs for an agency that has been studied and closely monitored, been doubled over the 5-year period, on the one hand, and provided all this reprogramming, on the other hand.

I retain the remainder of my time.

When all time is yielded back or consumed, I will move to table the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, let me just say to my friend from California that the chairman and I looked at this very carefully because it is a very valid request. The Senator from California makes a good point. I think the chairman has pointed out that in fact we have done a great deal for the Border Patrol within the limits of our appropriation allocation over the last several years and wish we could do more.

There is no question but that the Senator from California makes a point which no one can dispute. We have problems along our borders and they are going to be solved only when we are willing to allocate more resources.

The problem this subcommittee has is a problem had by all subcommittees, but ours is particularly acute because within our subcommittee we have allocations for the State Department in a separate budget agreement account, if you will, for a good part of it, and then, of course, we have the FBI, the DEA, the Bureau of Prisons, the courts, and all of those things that are essentially connected to the whole criminal justice system.

What we have tried to do over the last 5 years is to try to look at it as a system, including the Border Patrol, and do all we could to move funds into areas which we thought had priority. I daresay that probably no two chairmen and ranking members would do it exactly the same. But we have to do it and report it to our committee, and we did.

I regret having to join the chairman in opposing this amendment. It is a good amendment. Unfortunately, within our budget priorities, we think we have done a fair and reasonable jobs. Some may quarrel with that and if enough quarrel, then, of course, the Senator will win his amendment. But I daresay that we have done an equitable job across the board.

I want to commend the Senator for the amendment he has offered. I wish that we could support it.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. SEYMOUR. Mr President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from California has remaining 2 minutes and 30 seconds.

Mr. SEYMOUR. Mr. President, I would just like to say in response to my distinguished colleagues, the Senator from South Carolina and Senator RUDMAN from New Hampshire, I have no doubt whatsoever that you have done as good a job as you can do in spreading a limited number of resources over the programs that need funding. But this is a crying need. It may not be a crying political need because there are so few States that in fact have to protect their borders, but it is a crying need relative to the States that are so impacted and my State comes first on that list.

What we are asking to pay for this small amount is less than a 1-percent cut, 1 percent, Mr. President. I do not think that is too much to ask to help States like California perhaps cut in half the 1,500 illegal aliens that cross our San Diego border every night.

I yield back the remainder of my time, Mr. President.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes and 34 seconds remaining.

Mr. HOLLINGS. I will not consume that amount of time unless Senator RUDMAN would need some of it.

But, Mr. President, if we get nothing out of this debate, the distinguished Senator from California should understand that this is not a State concern, this is a national concern, the matter of immigration. I was around here 20 years ago. I think it was General Chapman who said let us take that lattice work we used to put on temporary runways during the war and just erect it in a standing fashion and just put a Maginot Line all the way, 2,000 miles, across the Rio Grande.

We have been working on this one. It is a never ending problem. It is a problem of immigrants coming all the way up, not just to those States, but coming all over the United States. But it is a matter of national concern and has been treated as such and has not been given casual care because we have just a few Senators from the border. That is not the case whatsoever.

I know intimately many moves and suggestions have been made with reference to covering the Rio Grande for 2,000 miles and particularly down in Tijuana where they told us 5,000 a week were coming in and I daresay they still are.

We tried everything in the world on the California border where they have been pouring into the wonderful State of opportunity, the State of California.

I say to the distinguished Senator, I am glad to work with him. I hate, on this initial move of his, to have to table it. But unless the distinguished Senator from New Hampshire has more

to say—is the Senator ready to yield back any time he has?

Mr. SEYMOUR. Yes.

Mr. HOLLINGS. I yield back our time and move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, the vote on the Seymour amendment will occur on Wednesday morning.

Mr. HOLLINGS. Mr. President, earlier today when the Senator from New Hampshire and I began, we excepted two committee amendments because we thought members had given us notice they wanted to offer amendments to those committee amendments. Of course, they were not offered, and under the unanimous-consent agreement, they cannot be.

I ask unanimous consent that the two excepted committee amendments be considered en bloc and agreed to.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The excepted committee amendments on page 9, lines 2 through 5, and page 39, lines 14 and 15, were agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the excepted committee amendments were agreed to.

Mr. SEYMOUR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote on final passage will occur on Wednesday morning.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF THE CRACK EPIDEMIC

Mr. MOYNIHAN. Mr. President, recently the New York Times observed the 10th anniversary of the beginning of the acquired immune deficiency syndrome epidemic. In a July 2 letter to the editor, I wrote we should also mark the start of the crack cocaine epidemic, which began in this country just 5 years later. Few seemed to have taken notice of this fact.

I first heard of the subject from detective Charles Bennett of the New York Police Department in the summer of 1986. Drug dealers on New York City streets had begun snapping their wrists as a kind of call sign. Detective Bennett informed me that they were selling something called crack, the gesture being that of someone cracking a whip. Such began an epidemic which has ravaged our cities but still receives far too little attention from the medical profession. Possibly, the anniversary of the first sightings of AIDS can give occasion for thought about this other devastating disease. Mr. President, I ask unanimous consent that the text of my letter be entered in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 2, 1991]

CRACK EPIDEMIC DESERVES AS MUCH OF OUR ATTENTION AS AIDS

To the Editor:

You mark the 10th anniversary of the beginning of the acquired immune deficiency syndrome epidemic with two Op-Ed articles June 5. The crack cocaine epidemic began in this country just five years later, but with no notice in the Centers for Disease Control publication Morbidity and Mortality Weekly Report, which spotted the onset of AIDS.

The crack outbreak was first recorded in the Bahamas in 1983. On Dec. 31, 1985, The Atlanta Journal carried a brief report from Nassau in which Dr. David Allen, head of the Bahamian National Drug Council, tried to warn us.

"What we have is the world's first free-basing epidemic," he said, and it "could be preceding an epidemic in the industrialized states."

"Anywhere there is readily available high-quality cocaine," he added, "there is this potential."

Dr. Henri Podlewski is also quoted saying free-based cocaine may be the most addictive drug known. No evident notice was taken in U.S. medical circles. On March 1, 1986, The Lancet, journal of the British Medical Association, published "Epidemic Free-Base Cocaine Abuse, Case Study From the Bahamas," by Drs. Allen, Podlewski and associates—the lead article of one of the world's most prestigious medical journals. Again, evident indifference here.

I first heard of the subject from Detective Charles Bennett of the New York Police Department in the summer of 1986. Drug dealers on New York City street corners had begun snapping their wrists as a kind of call sign. What for, no one knew. By autumn, Detective Bennett informed me they were selling something called crack, the gesture being that of someone cracking a whip. By winter the epidemic had struck New York in full force. As you recently noted, we are just now seeing the first crack babies entering the school system.

Still, the medical profession keeps its distance. The 15th edition of the Merck Manual (1987), for example, states explicitly that cocaine use is not addictive. "Neither tolerance nor physical dependence have been noted" (page 1,491). But something more is involved. There is a shelf of Nobel prizes for the discoverers of what we hope for in the AIDS field. But for the researcher who finds a blocking agent for cocaine? I doubt it.

The 1988 legislation that established the Office of National Drug Control Policy created a director and deputies for demand reduction and supply reduction. Demand reduction called for intensive medical research into the physiology of addiction. I wrote this portion of the statute. But somehow the profession does not respond. Possibly, the grim anniversary of the sighting of the AIDS epidemic might occasion some thought about this equally grim anomaly.

Better news: the Morbidity and Mortality Weekly Report has begun a "national surveillance of cocaine use and related health consequences."

DANIEL PATRICK MOYNIHAN,
U.S. Senator from New York.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,327th day that Terry Anderson has been held captive in Lebanon.

AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATION BILL, 1992

Mr. CONRAD. Mr. President, I want to commend the distinguished Senator from North Dakota, Senator BURDICK, the chairman of the Subcommittee on Agriculture and Related Agencies, and Senator COCHRAN, the ranking minority member, for the Agriculture, Rural Development, and Related Agencies appropriation bill 1992. Under enormous budget constraints, they were able to put together a good bill.

Mr. President, I am particularly grateful for their funding of several programs. I want to thank them for increasing Farmers Home Administration direct loans. This program is vital to providing affordable credit to many farmers at a time when farm prices are quite low.

FmHA direct loans have been cut significantly since 1985. In 1985, we had $3.6 billion in direct farm operating loans and $653 million in direct farm ownership loans. In 1991, we have $493 million in direct farm operating loans and $57 million in direct farm owner-

ship loans. Each year, all available direct farm ownership funds are used. Until 1990, the same was true for direct farm operating loans.

Even in 1990, I have doubts that there was a reduction in actual demand for direct operating loans. Forty-three States used 95 percent to 100 percent of their allocation. Yet nationally, FmHA only used 75 percent. How can that be? I suspect that the reduced use of the program was not due to decreased demand, but due to the way FmHA allocated money to States, and other implementation problems. There are ways that FmHA can reduce the appearance of demand for direct loans: by not providing adequate State allocations when needed, thus requiring states to apply to the national FmHA office for additional funds on a loan-by-loan basis. This process wastes precious days or even delays approval until the date by which the farmer must have the loan to commence annual operations has passed. In addition, FmHA can discourage applicants from applying. Unfortunately, FmHA does not keep records of actual demand for loans, such as the number of applications rejected due to lack of funds. So we do not have data on which to judge actual demand.

These statistics clearly show that while funding for direct loans has dropped significantly since 1985, demand for the program has not. The increased funding in this bill will help many more farmers obtain much needed credit.

A provision of an amendment passed on this bill today to provide funding for the Interest Assistance Program would help reduce allocation problems. It will require FmHA to allocate all loan funds to States in the first two quarters of the fiscal year. This should help States get the limited direct loan funds when needed.

Mr. President, I want to respond to comments made by Senators COCHRAN and DOLE about FmHA's guaranteed loan program. Guaranteed lending has not "succeeded far beyond the expectations of many," as my colleague, Senator DOLE asserts. While the administration has asserted that the guaranteed loan program can replace the direct loan program, the facts show it does not.

While demand for direct loans has remained high, and funding has dropped, there has not been a corresponding increase in the use of the guaranteed loan program to assist those borrowers who were unable to get direct loans. Use of the guaranteed loan program has actually declined since 1985 for farm operating loans; $1.1 billion was obligated in 1985, and only $909 million was used in 1990. Use of the farm ownership guaranteed loan program has remained relatively flat, hovering around $300 to $350 million, since 1987.

Appropriations for guaranteed loans are consistently much higher than actual use. In 1987, FmHA used only 53 percent of its allocation for guaranteed operating loans. In 1990, it only used 31 percent for these loans. This year, it has only used 28 percent of its allocation to date. While the administration says its top priority is making guaranteed loans, it has not been able to significantly boost their use.

I believe that the guaranteed loan program is an important component of FmHA assistance. However, it simply cannot serve all borrowers that Congress intends to help through FmHA.

In addition, there is a need for the Interest Assistance Guaranteed Loan Program. It can help borrowers who are nearly commercially credit worthy get private credit at reduced interest rates. This interest reduction is particularly important for longer term chattel and farm ownership loans.

Yet again, the facts show that the guaranteed Interest Assistance Loan Program cannot fully replace direct loans. Funding for direct loans was cut by $482 million for fiscal year 1991 under the Omnibus Budget Reconciliation Act of 1991 [OBRA], as part of an effort to cut $13 billion in agricultural programs as required by the budget summit agreement. The Interest Assistance Program was enacted in OBRA to assist those borrowers who would not be able to obtain the scarce direct loans due to this cut; $482 million, the amount cut from the direct loan program, was allocated for Interest Assistance loans. Yet FmHA has only made $153 million in Interest Assistance loans as of July 23, 1991, less than 32 percent of the total allocation. Clearly, this program has not picked up all those borrowers who were denied direct loans due to the cut in funding.

I hope these facts assist my colleagues in evaluating FmHA's direct and guaranteed loan programs. I intend to continue my strong support for adequate funding of the direct loan program. I will also continue my work to improve the guaranteed loan program, so that it can assist more borrowers.

Mr. President, there is some very exciting new funding in this bill. It funds the Alternative Agricultural Research and Commercialization Act of 1990 [AARC]. I have pressed for the enactment of this program since 1987, and was pleased to see it pass as part of the 1990 farm bill. This appropriation will assure that the program is implemented, and the benefits to the Nation are realized.

Mr. President, you know of the urgent need for jobs and income in rural America. Based on much discussion and a series of hearings before the Senate Agriculture Committee, we determined that AARC is the best way to increase the development and commercialization of new nonfood, nonfeed products made from farm commodities. New uses commercialization presents a significant opportunity to increase demand for agricultural commodities, thereby strengthening the agricultural sector and rural economies.

From experience we know that government or industry working alone is not bringing these products to the marketplace with the speed necessary in today's competitive world. According to the Foreign Agricultural Service, over 50 percent of U.S. agricultural exports are unprocessed bulk commodities. Another 20 percent of exports have had some intermediate processing. In contrast, over 75 percent of the farm exports of the United Kingdom, France, West Germany and Italy are value-added products. In fact, we often export bulk raw commodities and import the finished products. Our loss in terms of jobs and income is tremendous. The Economic Research Service estimates that $15 to $20 billion could be added to farm income alone by substituting new crops and products for imports.

Realistically, this country has to change the way it does business if it is to compete more effectively in international markets. Japan and other countries assist their companies in commercializing technology, quite often United States technology. Yet in this country there are substantial barriers to moving these products to the market shelf which private companies must face alone. Three primary obstacles—coordination, high cost and long-term risk—hamper and often prevent commercialization.

In addition, our excellent Federal agricultural research system focuses primarily on increasing farm production rather than developing new uses and markets for farm products. In 1988, about 1.5 percent of the total $900 million budget for the Agricultural Research Service and Cooperative State Research Service was spent on nonfood products. Funding for new uses research was actually less since this $16 million includes feed and traditional textiles research. Even when researching new uses, researchers often do their work without talking with private companies and farmers about market needs and economic feasibility.

In today's world of international competition, the Federal Government must do more. Significant resources must be focused on developing new uses and assisting the private sector to overcome the barriers to commercialization. Offering a company a patent or a cooperative agreement isn't enough. The public and private sectors must work in partnership if we are to grasp the opportunity presented by new uses.

We passed AARC to change the way the Government works with the private sector. This innovative program will help researchers and companies speed new uses from the laboratory bench to the market shelf. The key to AARC's success is its independent

board with resources focused solely on coordinating and assisting efforts to get these new products to the marketplace.

AARC will help overcome the commercialization gap by, first, creating partnerships between the public and private sector; second, targeting research on promising new uses through a competitive grants program; and third, providing short-term bridge financing to leverage private investment in commercialization projects. Priority is given to projects which create jobs in economically distressed rural areas and include non-Federal resources.

I believe AARC is a sound investment. Through AARC, we can first, create new jobs and increase rural economic development; second, increase the demand for traditional and new crops, encouraging agricultural diversity, benefiting rural businesses and communities; third, improve our trade balance; and fourth, produce industrial products from renewable resources which are safer for the environment and reduce our reliance on nonrenewable resources. The Federal Government will see additional returns on its investment in terms of successful companies repaying AARC assistance, and tax revenue from a healthier economy.

Mr. President, I firmly believe that funding for AARC will be one of the best Federal investments we can make.

I also want to commend Senator BURDICK and Senator COCHRAN for providing $250,000 for the North Dakota Agricultural Products Utilization Commission. The goal of the Commission is the creation of new economic growth and jobs in North Dakota, especially in rural communities, by providing assistance in the financing of research, development, and marketing of value-added agricultural products.

The Commission's assistance in commercializing food, feed, and nonfood products made from agricultural products is similar in many ways to the types of assistance AARC will provide on a national level. As I mentioned earlier, AARC's assistance is targeted for nonfood new uses, and will include both research grants and business financing. It is my hope that the Commission will become part of an AARC regional center.

The North Dakota Agricultural Products Utilization Commission provides necessary assistance to the research and marketing needs of the State of North Dakota by partially financing projects which are designed to develop new uses for agricultural products and byproducts; to seek more efficient systems for processing and marketing agricultural products and byproducts; and to promote efforts to increase productivity and provide added value to agricultural products. Emphasis is placed on agricultural utilization and marketing research for industrial and other nonfood products and processes utilizing agricultural output; and food, feed, and fiber products and uses which are innovative and add to the value of agricultural products.

The commission provides a very important function by providing gap financing for the essential areas of research and product development. The commission's role is important in encouraging and supporting the development and marketing of new products from the agricultural resources of North Dakota. The funding from the commission provides job and business opportunities for North Dakota farmers, ranchers, and entrepreneurs, which are vital to diversify and expand the economy of our State.

Again, Mr. President, I want to thank Senator BURDICK and Senator COCHRAN for their work. I urge my colleagues to support this bill.

TUPELO LEARNING INSTITUTE

Mr. COCHRAN. Mr. President, educational partnerships linking business and industry with the elementary and secondary classroom, are creating better educational opportunities for students nationwide. Partnerships are an integral component in helping communities improve their educational programs and have become critical in establishing a foundation to help reach the national education goals by the year 2000.

For example, in Mississippi, L.D. Hancock, a successful Tupelo businessman, has given cash and real estate valued at $3.5 million, with no strings attached, to the Tupelo Public School system for the purpose of developing a leadership and learning institute. The institute will be charged with a mission to invent the schools of the future, as envisioned by the President in the America 2000 education strategy. Tupelo teachers will be the designers and architects of the new break-the-mold schools. The money will also be used to generate a $1 million per year budget to help support the teachers of the Tupelo School District, because the Tupelo school system believes they are the key to the success of the program and its greatest resources.

Mr. President, I ask unanimous consent that an article which appeared in the Clarion Ledger, regarding Mr. Hancock's very generous gift to the Tupelo School District, be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

CHRISTMAS IN JULY? TUPELO PUBLIC SCHOOLS GET $3.5 MILLION GIFT

(By Lea Anne Brandon)

Tupelo public schools received a $3.5 million gift Monday from L.D. Hancock, founder of the national Hancock Fabrics chain, to develop a district Learning Institute.

The institute will train teachers to develop their schools' academic curriculum and to create new schools for the 21st century.

"These funds will allow us to pioneer a new dimension in education and provide our teachers with the special skills necessary to make our school district one of the top in the nation," said Superintendent Mike Walters.

"This Learning Institute will be staffed by our teachers. It is here that our teachers and principals will be empowered to invent schools and structures to guarantee the success of our students," Walters said.

The institute also will provide leadership training to school personnel.

"The bottom line here is restructuring," said state Superintendent of Education Richard Thompson, who led the 6,185-student Tupelo schools from 1987–1990. "The teachers will have access to the best training available to help them restructure their classrooms and learn the most recent techniques."

"It's fantastic," Thompson said Monday. "I don't know of anybody else in America who is doing this thing. A lot of people are talking about it, but this will be the first example of a school district committing to restructuring based on the needs of children."

Thompson said Assistant Superintendent Derwood Tutor "has been working on this for a long time. He deserves a great deal of credit."

Tupelo School Board Chairman Leon Clay said the Hancock gift "is without a doubt the single most generous gift ever made to this school district."

"Education is an expensive process, and the people of Tupelo have been both generous and understanding," Clay said.

Hancock founded the fabric chain in Tupelo in the 1950s, but sold it in the 1970s.

Tupelo Mayor Jack Marshall said at a Monday news conference the Hancock gift "will help Tupelo make the leap from a quality state school system to an outstanding national school system, providing opportunities for our educators to flex their professional muscles and providing for our students possibly the best curriculum of any school system in the nation."

GOVERNMENT SECURITIES ACT AMENDMENTS OF 1991

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 190, S. 1247, regarding the regulatory authority of the Secretary of Treasury; that the committee substitute amendment be adopted; that the bill be deemed read a third time and passed; that amendment to the title be adopted, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1247), as amended, was passed as follows:

S. 1247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Goverment Securities Act Amendments of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the liquid and efficient operation of the Government securities market is essential to

facilitate government borrowing at the lowest possible cost to taxpayers;

(2) the fair and honest treatment of investors will strengthen the integrity and liquidity of the Government securities market;

(3) rules promulgated by the Secretary of the Treasury pursuant to the Government Securities Act of 1986 have worked well to protect investors from unregulated dealers and maintain the efficiency of the government securities market; and

(4) extending the authority of the Secretary and providing new authority will ensure the continued strength of the government securities market.

SEC. 3. EXTENSION OF TREASURY RULEMAKING AUTHORITY.

Section 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5) is amended by striking subsection (g).

SEC. 4. SALES PRACTICE RULEMAKING AUTHORITY.

(a) RULES FOR FINANCIAL INSTITUTIONS.—Section 15C(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b)) is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3)(A) With respect to any financial institution that has filed notice as a Government securities broker or Government securities dealer or that is required to file notice under subsection (a)(1)(B) of this section, the appropriate regulatory agency for such Government securities broker or Government securities dealer may issue such rules and regulations with respect to transactions in Government securities as may be necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, if the Secretary of the Treasury has not determined that the rule or regulation, if implemented would, or as applied does—

"(i) adversely affect the liquidity or efficiency of the market for Government securities, or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(B) The appropriate regulatory agency shall consult with and consider the views of the Secretary prior to approving or amending a rule or regulation under this paragraph, except where the appropriate regulatory agency determines that an emergency exists requiring expeditious and summary action and publishes its reasons therefor. If the Secretary comments in writing to the appropriate regulatory agency on a proposed rule or regulation that has been published for comment, the appropriate regulatory agency shall respond in writing to such written comment before approving the proposed rule or regulation.".

"(C) In promulgating rules under this section, the appropriate regulatory agency shall consider the sufficiency and appropriateness of then existing laws and rules applicable to Government securities brokers, Government securities dealers, and persons associated with Government securities brokers and Government securities dealers.".

(b) RULES BY REGISTERED SECURITIES ASSOCIATIONS.—Section 15A(f)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 780-3(f)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E); and

(2) by striking the period at the end of subparagraph (F) and inserting ", and (G) with respect to transactions in Government securities, to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade.".

(c) OVERSIGHT OF REGISTERED SECURITIES ASSOCIATIONS.—Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(5) The Commission shall consult with and consider the views of the Secretary fo the Treasury prior to approving a proposed rule filed by a registered securities association pursuant to section 15A(f)(2)(G) of this title, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor. If the Secretary of the Treasury comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving the proposed rule. The Commission may approve such a rule if the Secretary of the Treasury has not determined that the rule, if implemented, would, or as applied does—

"(A) adversely affect the liquidity or efficiency of the market for Government securities, or

"(B) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section.

"(6) In approving rules filed by a registered securities association pursuant to section 15A(f)(2)(G) of this title, the Commission shall consider the sufficiency and appropriateness of then existing laws and rules applicable to Government securities brokers, Government securities dealers, and persons associated with Government securities brokers and Government securities dealers,"; and

(2) in subsection (c), by adding at the end the following new paragraph:

"(5) With respect to rules adopted pursuant to section 15A(f)(2)(G) of this title, the Commission shall consult with and consider the views of the Secretary before abrogating, adding to, and deleting from such rules, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.".

SEC. 5. DISCLOSURE BY GOVERNMENT SECURITIES BROKERS AND GOVERNMENT SECURITIES DEALERS WHOSE ACCOUNTS ARE NOT INSURED BY THE SECURITIES INVESTOR PROTECTION CORPORATION.

Section 15C(a) of the Securties Exchange Act of 1934 (15 U.S.C. 78o-5(a)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) No Government securities broker or Government securities dealer that is not a member of the Securities Investor Protection Corporation shall effect any transaction in any security in contravention of such rules as the Commission shall prescribe pursuant to this subsection to assure that its customers receive complete, accurate, and timely disclosure of the inapplicability of Securities Investor Protection Corporation coverage to their accounts.".

SEC. 6. TECHNICAL AMENDMENT.

Section 15C(d)(2) of the Securitries Exchange Act of 1934 (15 U.S.C. 78o-5(d)(2)) is amended to read as follows:

"(2) Information received by an appropriate regulatory agency, or the Secretary from or with respect to any Government securities broker or Government securities dealer or with respect to any person associated therewith may be made available by the Secretary or the recipient agency to the Commission, the Secretary, any appropriate regulatory agency, any self-regulatory organization, or any Federal Reserve Bank.".

SEC. 7. AMENDMENTS TO DEFINITIONS.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (34)(G) (relating to the definition of appropriate regulatory agency), by amending clauses (ii), (iii), and (iv) to read as follows:

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a foreign bank, an uninsured State branch or State agency of a foreign bank, a commerical lending company owned or controlled by a foreign bank (as such terms are used in the International Banking Act of 1978), or a corporation organized or having an agreement with the Board of Governors of the Federal Reserve System pursuant to section 25 or section 25(a) of the Federal Reserve Act;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System or a Federal savings bank) or an insured State branch of a foreign bank (as such terms as are used in the International Banking Act of 1978);

"(iv) the Director or the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation;"; and

(2) by amending paragraph (46) (relating to the definition of financial institution) to read as follows:

"(46) The term 'financial institution' means—

"(A) a bank (as defined in paragraph (6) of this subsection);

"(B) a foreign bank (as such term is used in the International Banking Act of 1978); and

"(C) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act) the deposits of which are insured by the Federal Deposit Insurance Corporation.".

SEC. 8. STUDY RELATING TO GOVERNMENT SECURITIES INFORMATION.

(a) IN GENERAL.—The Secretary of the Treasury, the Securities and Exchange Commission, and the Board of Governors of the Federal Reserve Systems shall monitor and evaluate the effectiveness of private sector efforts to disseminate Government securities price and volume information, and determine whether such efforts—

(1) assure the prompt, accurate, reliable, and fair reporting, collection, processing, distribution, and publication of information with respect to quotations for and transactions in Government securities and the fairness and usefulness of the form and content of such information;

(2) assure that all Government securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotation for and transactions in Government securities as is reported, collected, processed, or prepared for distribution or publication by any processor of such information (including self-regulatory organizations) acting in an exclusive capacity; and

(3) assure that all Government securities brokers, Government securities dealers, Government securities information processors,

and other appropriate persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in Government securities as is published or distributed.

(b) REPORT.—A report describing the findings under this subsection and any recommendations for legislation shall be submitted to Congress not later than 18 months after the date of enactment of this Act.

The title was amended so as to read: "A bill to amend the Securities Exchange Act of 1934 to ensure the efficient and fair operation of the Government securities market, in order to protect investors and facilitate Government borrowing at the lowest possible cost to taxpayers.".

Mr. DODD. Mr. President, I rise in support of S. 1247, the Government Securities Act Amendments of 1991. This is legislation Senator GRAMM and I introduced on June 6, at the request of the Department of the Treasury. I want to begin by thanking the subcommittee's ranking minority member, Senator GRAMM, for all of his hard work over the past 2 months, as we developed amendments to the legislation and moved it through the full Banking Committee, and now to the Senate floor. I also want to thank our chairman, Senator RIEGLE, for all of his hard work and support in helping us move the legislation expeditiously.

In brief, the legislation would: reauthorize Treasury's rulemaking authority under the Government Securities Act; provide a structure for sales practice rules for Government securities dealers; direct further study of private sector efforts to disseminate price and volume information for Government securities dealers; and authorize the SEC to write rules requiring that Government securities dealers who do not have SIPC coverage for their customers make full disclosure about their lack of coverage.

Mr. President, every taxpayer in this country is affected by this legislation. The market for Treasury securities is the largest securities market in the world. It is absolutely essential that we maintain the liquidity and efficiency of this market so that Government funds are raised with the least possible cost to the American taxpayer. It also is essential that investors—whether they are individuals, mutual funds, or State and local governments—have confidence in this market and believe it is fair and honest.

The Government Securities Act was passed in 1986, because unregulated dealers were harming investors and undermining the integrity and fairness of the market. Treasury was given rulemaking authority over Government securities dealers with respect to capital requirements and a number of other requirements relating to financial responsibility. But that authority was given a sunset. It expires October 1 of this year.

By all accounts, Treasury has done an excellent job, and virtually everyone who testified before the subcommittee or wrote to the subcommittee has said that Treasury's current authority should be reauthorized. The legislation removes the sunset and permanently reauthorizes Treasury's authority.

In the period since the original act was passed, the GAO and some others have suggested that rulemaking authority in certain additional areas should be granted.

For example, the 1986 act did not give Treasury—or any other regulator—authority to write sales practice rules for Government securities dealers. Sales practice rules include suitability rules, as well as rules against excessive markups and churning. These rules apply to brokers and dealers in corporate and municipal securities, but generally have not applied to Government securities trading.

In addition, the 1986 act did not provide rulemaking authority to require dissemination of price and volume information for Government securities trading. And, until recently, there was no mechanism to provide this information to a broad group of Government securities dealers and their customers.

The 1986 act did not address the issue of securities investor protection coverage for customers of specialized Government securities dealers.

In a report issued last fall, the GAO recommended that these issues be addressed in connection with the reauthorization of Treasury's authority. The legislation addresses each of these issues.

The legislation removes the sunset provision contained in current law and, therefore, permanently authorizes Treasury's rulemaking authority in the areas of capital and financial responsibility, and other areas assigned to Treasury under the 1986 act.

The legislation creates a structure for sales practice rules for Government securities dealers. For banks that are Government securities dealers, the appropriate banking regulator would be authorized to write rules "necessary to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade." For securities firms that are Government securities dealers, the NASD would be authorized to write these rules, subject to SEC approval.

In both cases, before the bank regulators or the SEC could approve rules, they must consult with Treasury. They would not be permitted to approve a rule if Treasury determined the rule would, first, adversely affect the liquidity or efficiency of the Government securities market; or, second, impose any unnecessary burden on competition. This will ensure that Treasury has a prominent role in protecting the interests of taxpayers and ensuring a liquid and efficent market. In addition, the statute would require regulators to consider existing rules when writing new rules.

The legislation also prohibits Government securities dealers that are not SIPC members from acting in contravention of SEC rules to assure that customers have full disclosure that their accounts are not covered by SIPC.

Finally, the legislation directs Treasury, the SEC and the Federal Reserve to monitor and evaluate the effectiveness of private sector efforts to disseminate Government securities price and volume information and to report back to Congress in 18 months. In this area, the bill Treasury submitted would have given Treasury broad rulemaking authority. We believe that, in view of private sector efforts, such as Govpx, it may be premature to authorize rules at this point and dictate the content of the system.

Mr. President, in view of the October 1 sunset date for Treasury's authority under the act, the Banking Committee acted to move this legislation as expeditiously as possible. We were assisted in our efforts by the excellent work of Treasury, the Federal Reserve, and the SEC. Although the legislation reported by the committee contained substantial amendments to Treasury's initial proposal, and although the SEC and Federal Reserve objected to the regulatory structure we developed for consideration of sales practices rules, each of these regulators agreed with us on the importance of moving this legislation quickly to ensure that there would not be a gap in regulation for a market so critical to the functioning of our economy. I want to thank Treasury, the Federal Reserve, and the SEC, and their excellent staffs, for the attention they devoted to this legislation.

In addition, the Government Financial Officers Association and the Public Securities Association worked with us, and with each other, in trying to help us craft language on sales practice rules that would meet the objective of protecting investors, yet not overburden what is regarded as the most efficient and liquid market in the world. I cannot report that either organization is 100 percent satisfied with the language we developed, and yet they have continued to work with us in our efforts to move the legislation and reauthorize Treasury's authority before the sunset date. I want to thank the hardworking staffs of these organizations for their efforts as well.

Mr. RIEGLE. Mr. President, I am very pleased that the Senate has been able to take prompt action on S. 1247, the Government Securities Act. Early in this session, the Banking Committee's Securities Subcommittee, chaired by Senator DODD, solicited the views of

a number of Government and industry officials on the reauthorization of Treasury's rulemaking authority and related issues. The letters received by the subcommittee provided us with a great deal of valuable information, enabling the committee to move this legislation in a minimum amount of time. The subcommittee held a hearing on this issue within a week of receiving proposed legislation from the Treasury, and the full committee marked up that legislation within a month. Thanks to the diligent efforts of Senator DODD and his subcommittee, the Senate is now taking action to reauthorize the Government Securities Act in a timely manner.

The reauthorization is important, because this legislation maintains a Federal system of regulation for the entire Government securities market, in order to protect investors and to ensure the maintenance of a fair and liquid market. The authority of the Treasury Department to promulgate rules for this market expires October 1 of this year, unless it is reauthorized. The Treasury has proposed that its rulemaking authority be reauthorized, and I concur with their proposal. The comments received from the administration and the regulatory agencies, including the SEC and the Federal Reserve, along with representatives from the private sector on this legislation, indicate that Treasury has done an excellent job implementing the Government Securities Act.

This legislation also provides for the application of sales practices rules to brokers and dealers of Government securities. These rules are necessary to maintain the integrity of the markets by ensuring that participants in this market will be treated fairly. The legislation further provides for disclosure to customers of Government securities firms that are not members of the Securities Investor Protection Corporation, so that customers will fully understand whether they are protected by the SIPC insurance fund. Additionally, the legislation will require Treasury, the SEC, the Federal Reserve, and the GAO to monitor private sector pricing systems such as the Government Pricing Information System and report back to Congress in a year and a half. As indicated by the committee report, if private sector initiatives have not responded appropriately to the concerns of the Treasury, the SEC, and market participants, the committee will reconsider the necessity of granting statutory authority to mandate access to Government securities price and volume information.

Overall, reauthorization of the Government Securities Act will enhance the current efficiency and liquidity of the Government securities market, while ensuring fair treatment for market participants. I congratulate Senator DODD for his efforts in this matter, and I also congratulate the subcommittee's ranking minority member, Senator GRAMM, for his diligent work.

SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT AUTHORIZATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 116, H.R. 2313, regarding school dropouts.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2313) to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the legislation before the Senate today includes provisions to reauthorize the Star Schools Program Assistance Act. This legislation was first authorized in December 1987. Since that time, the Education Department has awarded grants to eight multistate networks which provide access to live interactive instruction to students in every State. These networks have provided math, science, foreign language, and other courses to thousands of schools and tens of thousands of high school students and their teachers. More and more elementary school students are receiving star schools courses too. By linking together remote classrooms and the best teachers, star schools has turned one-room school houses from Forest, MS, to Tok, AK, into windows on the best instruction in the Nation. We have truly taken satellite technology used to create star wars and created star schools.

American students rank below students in other nations in international tests of math and science achievement. Studies show that they have less access to these courses than students abroad, which helps explain their poor performance. Students in rural areas are particularly disadvantaged in terms of access to such instruction. In January 1990, the President and the Nation's Governors established six national education goals, including a goal that by the year 2000, American students will rank first in the world in math and science achievement. This will be a difficult challenge, but the Star Schools Program Assistance Act will help us to realize that goal through distance learning—linking schools, often in remote areas which do not have access to a full range of instruction in math, science, and foreign languages, with schools and teachers who can deliver this instruction. Funds are used to purchase equipment to harness any telecommunications medium—satellite, microwave, fibre optics, cable—as well as programming. Classes are provided on a live interactive basis so that students can see, hear, and talk to teachers while courses are taking place. Star schools provides students in the most remote one-room school house with a world of educational opportunity.

The Star Schools Program Assistance Act was first authorized in fiscal year 1988. Appropriations were $19 million in 1988, and between $14 million and $15 million in each of the 3 subsequent years. Primary credit for the availability of funds for the program belongs to the senior Senator from Mississippi, Senator THAD COCHRAN. His unfailing support through the appropriations process has ensured the success of the Star Schools Program. These funds have been used by the Education Department to make two rounds of 2-year awards. Four multistate networks received awards in each round for a total of eight awards. The statute requires that grants be geographically dispersed and the Department reports that all States and territories now could, with necessary receiver equipment, have access to at least one star schools network, although many schools and students remain unserved.

The legislation before the Senate today would reauthorize the program for 2 years and bring its expiration in line with that of most of the other Federal elementary and secondary education programs. This reauthorization is being done on an expedited basis in order to ensure that these changes in the program will be in effect in time for the next grant competition the Department will conduct with fiscal year 1992 funds. Many of these changes were suggested to us by the Education Department, past and current grant recipients, and experts in the fields of education and telecommunications technology, as well as by interested Senators and Members of Congress.

One important modification of star schools involves expansion of the populations that may be served. Currently, all star schools funds are used to serve students in grades K to 12, and to provide teacher training. Priority is given to instruction in math, science, and foreign languages. Under this reauthorization, these populations and subjects will remain the focus of the program, and the bill retains the existing requirement that 50 percent of star schools funds be used for grades K to 12 in chapter 1 schools, and for teacher training.

However, this bill adds language permitting funds to also be used to serve other populations with limited access to instructional opportunities, such as disabled children and adults who may be homebound, hospital-bound or in institutions; illiterate adults; and lim-

ited English proficient individuals, including immigrants. Funds could also be used to serve those in correctional or other State facilities. This expansion will encourage networks to maximize use of equipment and facilities. Currently, some facilities are being used during the school day for K to 12 instruction, but go unused during afterschool hours. Under this revision, networks could use funds to make equipment available in the evening hours, for example, for adult literacy or English language instruction. It also encourages networks to make use of telecommunications equipment which already exists in various institutions to provide instructional programming, for example, to children in hospital schools and to inmates in correctional facilities. The language does not preclude use of star schools funds to purchase equipment for these purposes, but in many cases this will not be necessary because such institutions are already equipped with satellite or cable receivers. Through use of this existing equipment, star schools dollars can be stretched to serve a wide range of populations with low incremental cost. The capacity of this technology is virtually limitless. But much of it goes unused for hours each day, when students of all ages could benefit from it. This reauthorization will encourage educational networks to use the technology to the maximum extent feasible.

A second major change to the program allows current and past grantees to apply for a second 2-year grant. Previously, grants were available only for a single 2-year period; current and past grantees were excluded from applying for additional funds after their 2-year grant was up. This requirement was put in place, along with a requirement of geographic distribution of grants, when the program was first authorized to ensure that no areas of the country are excluded. However, now that two rounds of star schools grants have been awarded, the Department of Education indicates that every State in the country has access to at least one network. Therefore, it makes sound economic and policy sense to allow existing networks to compete with other to receive funds to expand their efforts, rather than requiring that new networks duplicate this work. This reauthorization will allow past recipients to compete for a second grant on an equal footing with new applicants. However, the second-time grantee cannot use the additional funds to provide the same services to the same recipients for which the first grant was used. Rather, the second-time grantee must either expand existing services to new students and school districts, or provide new services to new populations, or a combination of both. I expect that when the Star School Program is reauthorized again in 1993, past grantees will continue to be eligible for additional grants beyond a first or second grant, as long as each subsequent grant is used to expand services to new students and schools or to new populations.

Star schools funds have always been able to be used to purchase satellite, cable, fiber optics, telephone lines, microwave, and other telecommunications technologies. However, in some communities, the cable and telephone industries are entering into cooperative arrangements with school districts to donate needed cable and phone lines to connect schools for purposes of distance learning. This reauthorization further encourages private industry to donate this equipment so that Federal funds can be used for programming and other uses by adding a priority for star schools applications from partnerships which include a private company willing to donate equipment or services to provide interactivity between schools.

Star schools currently requires that a minimum of 25 percent of the appropriated funds be used for programming. This reauthorization balances this with a similar requirement that a minimum of 25 percent also be used for facilities and equipment. This does not require that each grantee use 25 percent of their funds for each purpose. It merely requires that 25 percent of the total funds available to the Secretary be used for each purpose. Thus, there might be a grantee which uses 100 percent of its funds for one purpose, and none for the other. This requirement is simply to ensure that some funds are available for equipment and facilities to allow schools without access to star schools courses to gain that access. If all funds were to be used for programming, then only those schools with equipment already would benefit. There continues to be a need for both activities, as there are still many eligible students and schools which do not have "receive equipment" to allow them to participate in existing distance courses.

Congress is currently considering a new program in separate legislation entitled "Classrooms for the Future" which would provide funds for educational technology programming. If that program is enacted, we would hope to see that applicants will be able to apply for star schools funds and funds under "Classrooms for the Future" as part of a single application.

This reauthorization makes statutory language changes to ensure that higher education institutions may form a partnership to receive a star schools grant. It was the original intent of star schools that partnerships might form between, for example, community colleges and 4-year institutions, in order to expand the course opportunities for students at junior colleges. However, some statutory language was interpreted as precluding postsecondary-only services. This reauthorization would allow such services, although a local educational agency would still be required to participate in the partnership. It is still a requirement of star schools that 50 percent of the funds available to the Secretary be used to provide services to students in chapter 1 eligible school districts, and thus elementary and secondary school students.

This reauthorization also adds some new uses of funds to the purposes for which funds have been used in the past, that is purchase of equipment, facilities and programming, teacher training both in the use of the equipment and in subject areas, and service provision to traditionally underserved populations.

Recent actions by Congress in passing the Americans With Disabilities Act and the Television Decoder Circuitry Act of 1990 indicates a continuing national interest in issues of equal access for people with disabilities. Continuing in this vein, this reauthorization would allow star schools funds to be used to make programs accessible to the disabled through mechanisms such as closed captioning and descriptive video services. Captioning has long been held to have beneficial effects for populations other than the deaf and hard-of-hearing television viewers. Closed captioning improves the reading skills of children learning to read, adults struggling to overcome illiteracy, and immigrants and their children learning English as a second language. Closed or open captioning of star schools courses would greatly expand their benefits to a variety of populations.

In addition, funds may be used for descriptive video services [DVS] which extends the principle of equal access to visually impaired individuals. The additional audio channel used for DVS can be utilized to fill narrative gaps for blind students, or could be used for translations to assist in foreign language instruction. The caption center at WGBH in Boston, MA has extensive experience with this kind of activity.

Funds may be used to link all the star schools networks together around a project of the year highlighting a single issue of national importance, such as the Presidential election 1992. This kind of endeavor might be modeled on themes of the year currently created by public television, which allow disparate local and national organizations to rally around particular issues of interest to the general community. In 1988, WGBH in Boston produced a series, "Candidates '88," which included interviews with the Presidential candidates hosted by Marvin Kalb at the John F. Kennedy School of Government. A similar star schools event might involve a candidates forum through live-by-satellite interactive discussions for students and teachers around the country which would allow

them to highlight matters of local and regional interest, computerized polling, and other activites. Such a project would improve students and community understanding of the electoral system, and increase voter interest and paticipation.

Under this reauthorization, star schools funds may be used to provide teacher training to early childhood development and Head Start teachers and staff. With the increasing demand for early childhood development programs of all kinds, high quality preservice and inservice training is badly needed for both prospective and current teachers and staff. Training through star schools networks would greatly increase the availability of such programs around the country.

Star schools funds may also be used to share curriculum materials between networks. Since distance learning often requires different teaching and learning styles from that done in a traditional classroom, networks may benefit from sharing extensive work already done to address these differences.

Funds may be used to incorporate community resources such as libraries and museums into instructional programs. Through electronic field trips, students in isolated areas can have access to a range of cultural and educational experiences hundreds of miles away without leaving their classroom.

This reauthorization also requires coordination between the U.S. Education Department and any other agencies with distance learning programs. Currently, there are distance learning programs authorized in the Department of Agriculture and the National Science Foundation. Where similar audiences are being served, funds can be used most efficiently through interagency coordination.

Newly authorized dissemination grants will ensure that information about distance learning resources, assistance in connecting distance learning users with regional educational service centers, institutions of higher education, and the private sector, assistance in designing and implementing systems, and support for identifying connections, and cost-sharing arrangements are made available to State and local educational agencies not currently served by telecommunications partnerships. Dissemination grants may be made to star schools grantees and to other entities that have demonstrated expertise in the educational applications of technology.

The word "demonstration" has been removed throughout the language of the statute because of a belief that the Star Schools Program has been demonstrated to be an effective method of increasing access to instructional programming, and is a successful program which the Federal Government should continue to support.

This legislation reauthorizes the Star Schools Program through 1993. The program will be considered again as part of the reauthorization of the Hawkins-Stafford bill, which includes most of the elementary and secondary education programs, and is due to expire in 1993. The authorization level is $50 million in 1992 and such sums as may be necessary in 1993. This bill also authorizes a formal evaluation to be conducted by the Education Department through grant, contract, or cooperative agreement. This study will provide valuable information to the Congress about all of the star schools projects that have been funded before the 1993 reauthorization.

Mr. COCHRAN. Mr. President, I am pleased to support this legislation to extend the School Dropout Demonstration Assistance Act for 2 additional years. This program has begun to show success in helping school districts reduce the numbers of students leaving school before completion of high school.

Included as title III is a 2-year reauthorization of the Star Schools Program. Since enactment in 1988, state-of-the-art technology has been utilized to bring advanced academic courses to rural classrooms across the country. Through satellite and interactive communication technology, thousands of students nationwide are afforded an opportunity to study subjects not previously accessible because of teacher shortages and the high cost of providing these classes to relatively small numbers of students.

In Mississippi, star schools classes have given students, in some of the Nation's poorest school districts, an opportunity to study, and excel in Japanese, calculus, biology, Government, accounting, and geography, among the wide vartiety of courses offered via satellite.

The Star Schools Program is designed to expand the array of course offerings in underserved areas emphasizing math, science, foreign language, and vocational education, by working with a classroom teaching partner to provide top quality instruction.

Changes made by the Star Schools Assistance Act of 1991, do not change this focus, but broaden the program to reach more disadvantaged people and to make better use of down time when communications technologies are not in use. Grantees are encouraged to teach reading and writing and provide classes for homebound students, when feasible.

This reauthorization retains the current requirements to use at least 50 percent of the funds for programs in elementary and secondary schools serving children eligible for chapter 1 services. Each grantee must use at least 25 percent for programming and at least 25 percent for equipment and telecommunications facilities. Teacher training programs remain an integral component of the program.

An important change made by the Star Schools Assistance Act of 1991 will allow previously funded consortia to apply for additional years of funding if those grantees agree to expand services to more schools or a broader range of students.

The Department of Education has completed two rounds of competitions, making a total of eight awards to consortia serving students in every region of the country. Rather than continue to make all new awards, it makes more sense to me to allow those that have already developed successful prototypes to expand their networks to offer more students an opportunity to take established educational courses.

I am pleased that the administration requested funding for the Star Schools Program for fiscal year 1992 and that the Senate Appropriations Committee allocated $16.4 million for the program. I hope funding levels will continue to stay abreast with the tremendous need for these classes especially in math, science, and foreign languages in underserved areas.

The Star Schools Program has been a remarkable success in Mississippi, and I am happy to support the reauthorization bill before us today.

Mr. RUDMAN. Mr. President, I wish to thank the distinguished chairman and ranking Republican member of the Education Subcommittee for assisting me to correct a technical problem that has arisen with section 3(e) of Public Law 81–874. Section 3(e) of the impact aid statute provides assistance to school districts affected by the Base Closure and Realignment Act (Public Law 100–526).

In 1974, Congress recognized the need to provide hold harmless funding to school districts experiencing a sudden decrease in the enrollment of Federal students. As a result, the Education Amendments of 1974 included language to provide phase-down assistance over a period of 4 years to school districts facing a sudden loss of students from actions such as the closure of a military base. This language entitled local education agencies meeting certain criteria to receive phase-down assistance equal to 90 percent of the agency's previous year's entitlement, thereby providing a gradual reduction in their impact aid assistance payments.

Mr. President, until last year, these hold harmless provisions had not been used since the round of base closures which occured during the mid to late 1970's. In May 1990, Congress enacted Public Law 101–305, which amended section 3(e) of the impact aid statute. Section 3 of Public Law 101–305 updated the 1974 hold harmless provision to ensure that it would provide for a gradual phaseout of impact aid assistance to school districts coping with military base closures. Earlier this year, the Department of Education notified me that they had discovered a technical

problem with the statute which, unless corrected, will reduce by more than $1.4 million the payment to Portsmouth, NH School District for its second year of hold harmless eligibility.

Portsmouth, NH, is the first community in the country to cope with the closure of a military base and the school district faces certain costs associated with the removal of the federally connected students. While Portsmouth is the first community in the Nation to face a loss of students due to a base closure, it will not be the last. Congress has made a commitment to provide hold harmless funding to these school districts which have been educating our military children for many years. This amendment will correct the technical problem which has arisen with this section 3(e) of Public Law 81-874 and clarify congressional intent to provide a gradual phase-down of Federal assistance over a period of 4 years.

I appreciate the willingness of my distinguished colleagues to work with me to resolve this problem in such an expeditious fashion.

AMENDMENT NO. 947

(Purpose: To make technical amendments to various education acts, and for other purposes)

Mr. HOLLINGS. Mr. President, on behalf of Senator KENNEDY, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. KENNEDY, proposes an amendment numbered 947.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

SEC. 101. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1991".

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the "Act") (20 U.S.C. 3243(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking "$1,500,000" and inserting "$2,000,000";

(2) in subsection (c), by inserting after "value as a demonstration." the following: "Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act."; and

(3) in subparagraph (B) of subsection (f)(1), by striking "for the second such year" and inserting "in each succeeding fiscal year".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).".

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

(1) in paragraph (8), by striking "and"; and

(2) by striking paragraph (9) and inserting the following new paragraphs:

"(9) mentoring programs; and

"(10) any other activity described in subsection (a).".

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

"SEC. 6008. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.".

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.".

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Under Secretary of Education".

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) SPECIAL RULE.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the "Act") (20 U.S.C. 4081) is amended—

(1) by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled";

(2) by striking "demonstration"; and

(3) by inserting "to" before "obtain".

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years.

"(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "(A)";

(II) by striking "demonstration"; and

(III) by inserting "in any one fiscal year" after "$10,000,000"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment."; and

(4) by inserting at the end thereof the following new subsection:

"(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.".

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "demonstration";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ", or a State higher education agency";

(B) in subparagraph (C), by inserting "or a State higher education agency" after "education";

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "or academy" after "center"; and

(ii) by striking "or" at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and "or"; and

(F) by inserting at the end thereof the following new subparagraph:

"(F) a public or private elementary or secondary school."; and

(3) by adding at the end thereof the following new subsection:

"(c) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

"(A) provides two-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.".

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ", or any combination thereof" after "equipment"; and

(ii) in subparagraph (G) by—

(I) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(II) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4)—

(i) by striking "teacher"; and

(ii) by inserting "for teachers and other school personnel" after "policies";

(E) in paragraph (6)—

(i) by striking "the facilities" and inserting "any facilities";

(ii) by striking "will be made available to" and inserting "for"; and

(iii) by inserting "will be made available to schools" after "schools";

(F) in paragraph (7)—

(i) by inserting "(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)" after "students"; and

(ii) in paragraph (7), by inserting "and will use existing telecommunications equipment, where available" before the semicolon at the end thereof;

(G) by striking "and" at the end of paragraph (8);

(H) by redesignating paragraph (9) as paragraph (10); and

(I) by inserting after paragraph (8) the following new paragraph:

"(9) describe the activities or services for which assistance is sought, including activities and services such as—

"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);

"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;

"(C) linking networks together, for example, around an issue of national importance such as elections;

"(D) sharing curriculum materials between networks;

"(E) providing teacher and student support services;

"(F) incorporating community resources such as libraries and museums into instructional programs;

"(G) providing teacher training to early childhood development and Head Start teachers and staff;

"(H) providing teacher training to vocational education teachers and staff; and

"(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.";

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";

(ii) striking "(particularly schools"; and

(iii) striking "1965)" and inserting "1965";

(B) by striking "and" at the end of paragraph (6);

(C) by redesignating paragraph (7) as paragraph (9);

(D) by redesignating paragraph (6) as paragraph (7);

(E) by inserting after paragraph (5) the following new paragraph:

"(6) the eligible telecommunications partnership will—

"(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;

"(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and

"(C) include instruction for students, teachers, and parents;"; and

(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:

"(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and".

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—

(1) by redesignating section 907 as section 911; and

(2) by inserting after section 906 the following new sections:

"CONTINUING ELIGIBILITY

"SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—

"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and

"(2) use all such grant funds to provide expanded services by—

"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;

"(B) providing new courses of instruction; or

"(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.

"(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

"EVALUATION

"SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than $500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program.

"(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1993.

"(c) EVALUATION.—Such evaluation shall include—

"(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;

"(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;

"(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;

"(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;

"(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;

"(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;

"(7) the effects of distance learning on curricula and staffing patterns at participating schools;

"(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;

"(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and

"(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

"FEDERAL ACTIVITIES

"SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

"DISSEMINATION GRANTS

"SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.

"(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.

"(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.

"(d) APPLICATIONS.—

"(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—

"(A) information regarding successful distance learning resources for States, local educational agencies, and schools;

"(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;

"(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and

"(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.

"(e) DEFINITION.—For purposes of this section, the term 'eligible entity' means a federally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.".

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) CORRECTIONS EDUCATION.—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking "paragraph (2)" and inserting "paragraph (3)";

(B) inserting "and" before "the sex equity"; and

(C) striking "and the program for criminal offenders under section 225,";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph (1):

"(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.".

(b) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

"(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.".

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.".

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows:

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

"(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

"(G) data on all direct and indirect costs of the program; and

"(H) information on progress toward meeting the program's goals.

"(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

"(2) An eligible entity may receive a grant under this subsection if the entity—

"(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

"(B) agrees to provide the Secretary—

"(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

"(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

"(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

"(2) To receive a grant under this subsection, an eligible entity shall—

"(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

"(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

"(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

"(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible entity' means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

"(2) the term 'functional literacy' means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

"(3) the term 'life skills' includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.".

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting ", $4,500,000 for fiscal year 1992 and $10,000,000 for fiscal year 1993" after "1991".

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking "fiscal year 1991" and inserting "each of the fiscal years 1992 and 1993".

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amended by striking "subject to a default management plan required by the Secretary" and inserting "prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act".

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the "Act") (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting "this subsection and" before "subsections (a) and (b)"; and

(2) in paragraph (2), by striking "section" and inserting "subsection".

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement."; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

"(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.".

SEC. 403. SPECIAL PAYMENT RULES.

(a) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment.

(b) FEDERAL CONTRIBUTIONS.—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance.

The PRESIDING OFFICER. The question is on the agreeing to the amendment.

The amendment (No. 947) was agreed to.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time and passed.

So the bill (H.R. 2313), as amended, was passed.

The PRESIDING OFFICER. Without objection, a motion to reconsider is laid upon the table.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT AMENDMENTS OF 1991

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1593, a bill relating to libraries, introduced earlier today by Senators PELL, KENNEDY, HATCH and KASSEBAUM.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1593) to improve the operation and effectiveness of the United States National Commission on Libraries and Information Science, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PELL. Mr. President, I am introducing a bill today that would make some technical, but important, changes to the authorizing statute for the National Commission on Libraries and Information Science to improve the Commission's operation and effectiveness.

The bill would permit the Commission to obtain administrative support services from any Federal agency, not just the Department of Education, and to receive in-kind as well as monetary contributions. These technical amendments would clarify terms of office and voting status of Commissioners and would also make clear that the Commission can be involved in international library and information activities. Finally, this bill would remove the 20-year-old ceiling on the Commission's authorization of appropriations.

I am pleased that Senators KENNEDY, HATCH and KASSEBAUM are cosponsors of these amendments.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

So the bill (S. 1593) was passed as follows:

S. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on Libraries and Information Science Act Amendments of 1991".

SEC. 2. COMMISSION ESTABLISHED.

Subsection (b) of section 3 of the National Commission on Libraries and Information Science Act (hereafter in this Act referred to as the "Act") (20 U.S.C. 1502(b)) is repealed.

SEC. 3. CONTRIBUTIONS.

Section 4 of the Act (20 U.S.C. 1503) is amended to read as follows:

"SEC. 4. CONTRIBUTIONS.

"The Commission is authorized to accept, hold, administer, and utilize gifts, bequests, and devises of property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, and devises of money and proceeds

from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Commission.".

SEC. 4. FUNCTIONS.

Parargraph (6) of section 5(a) of the Act (20 U.S.C. 1504(a)(6)) is amended by striking "the national communications networks" and inserting "national and international communications and cooperative networks".

SEC. 5. MEMBERSHIP.

Subsection (a) of section 6 of the Act (20 U.S.C. 1505(a)) is amended—

(1) after the third sentence thereof, by inserting the following new sentence: "A majority of members of the Commission shall constitute a quorum for conduct of business at official meetings of the Commission."; and

(2) in the fourth sentence thereof by striking "(1) the terms of office" and all that follows through "time of appointment," and inserting "(1) the term of office of any member of the Commission shall continue until the earlier of (A) the date on which the members's successor has been appointed by the President; or (B) July 19 of the year succeeding the year in which the member's appointed term of office shall expire,".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 7 of the Act (20 U.S.C. 1506) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $911,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year thereafter to carry out the provisions of this Act.".

The PRESIDING OFFICER. Without objection, a motion to reconsider is laid upon the table.

REMOVAL OF INJUNCTION OF SECRECY

Mr. HOLLINGS. Mr. President,

As in executive session,

I ask unanimous consent that the injunction of secrecy be removed from the Regional Agreement on Broadcasting Service Expansion in the Western Hemisphere (Treaty Document No. 102–10), transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Regional Agreement for the Use of the Band 1605–1705 kHz in Region 2, with annexes, and two U.S. statements as contained in the Final Protocol, signed on behalf of the United States at Rio de Janeiro on June 8, 1988. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Agreement.

The Agreement establishes a frequency allotment plan and associated procedures designed to enable the International Telecommunication Union (ITU) member countries in Region 2 (Western Hemisphere) to implement the AM broadcasting service in the 100 kHz band (1605–1705 kHz) adjacent to the upper end of the existing AM broadcasting band. It is the result of two sessions of a Regional Administrative Radio Conference held in 1986 in Geneva, and in 1988 in Rio de Janeiro, under the auspices of the ITU. The Agreement is consistent with the proposals of and the positions taken by the United States at the 1988 conference. Given the history of harmful interference to U.S. AM broadcasting stations in the existing AM radio band from various countries in the Region (particularly Cuba), the United States, at the time of signature, submitted statements on this subject that were included in a Final Protocol to the Agreement. The specific statements, with reasons, are given in the report of the Department of State.

I believe that the United States should become a party to this Agreement, which provides for the expansion in an orderly manner of the AM broadcasting service in the Western Hemisphere into the band 1605–1705 kHz. It is my hope that the Senate will take early action on this matter and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *July 30, 1991.*

REFERRAL VITIATED AND MEASURE REFERRED—S. 1583

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the referral of S. 1583, the Pipeline Safety Improvement Act be vitiated, and that the measure then be referred to the Senate Committee on Commerce and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE SEQUENTIALLY REFERRED—S. 668

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Calendar No. 189, S. 668, a bill to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian Reservations, be sequentially referred to the Committee on Environment and Public Works, for a period not to exceed 2 calendar days; and that if S. 668 is not reported by the Committee on Environment and Public Works within that time, the bill then be automatically discharged and returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senate go into executive session to consider all nominations reported today by the Committee on Foreign Relations:

Charles R. Bowers to be Ambassador to Bolivia;

Sally G. Cowal to be Ambassador to Trinidad and Tobago;

Morris D. Busby to be Ambassador to Colombia;

Luis Guinot, Jr. to be Ambassador to Costa Rica;

Arthur Hughes to be Ambassador to Yemen;

Christopher W.S. Ross to be Ambassador to Syria;

Frank G. Wisner to be Ambassador to the Philippines;

Robert M. Kimmitt to be Ambassador to Germany;

Robert S. Strauss to be Ambassador to the U.S.S.R.;

George E. Moose to be U.S. Representative to the U.N. Security Council;

James Grady to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Weldon W. Case to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Quincy M. Krosby to be U.S. Alternate Executive Director of the International Monetary Fund;

Charles G. Untemeyer to be Associate Director of the U.S. Information Agency; and

Karl Rove to be a member of the Board for International Broadcasting.

I further ask unanimous consent that the nominees be considered, en bloc; that any statements appear in the RECORD as if read; that the nominees be confirmed, en bloc; that the motions to reconsider be tabled; that the President be notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SEYMOUR. Mr. President, they have been cleared.

The PRESIDING OFFICER. The Chair hears none and it is so ordered.

The nominations considered and confirmed en bloc are as follows:

Charles R. Bowers to be Ambassador to Bolivia;

Sally G. Cowal to be Ambassador to Trinidad and Tobago;

Morris D. Busby to be Ambassador to Colombia;

Luis Guinot, Jr. to be Ambassador to Costa Rica;

Arthur Hughes to be Ambassador to Yemen;

Christopher W.S. Ross to be Ambassador to Syria;

Frank G. Wisner to be Ambassador to the Philippines;

Robert M. Kimmitt to be Ambassador to Germany;

Robert S. Strauss to be Ambassador to the U.S.S.R.;

George E. Moose to be U.S. Representative to the U.N. Security Council;

James Grady to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Weldon W. Case to be a member of the Board of Directors of the Overseas Private Investment Corporation;

Quincy M. Krosby to be U.S. Alternate Executive Director of the International Monetary Fund;

Charles G. Untemeyer to be Associate Director of the U.S. Information Agency; and

Karl Rove to be a member of the Board for International Broadcasting.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination and a treaty, which were referred to the appropriate committees.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1047) to amend title 38, United States Code, to make miscellaneous improvements in veterans' compensation, pension, and life insurance programs, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 175. An act to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing";

H.R. 948. An act to designate to the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse";

H.R. 1046. An act to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compenation for survivors of such veterans;

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, at the "Ralph H. Metcalf Federal Building";

H.R. 2901. An act to authorize the transfer by lease of four naval vessels to the Government of Greece;

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts;

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes; and

H.J. Res. 264. Joint resolution designating August 1, 1991, as "Helsinki Human Rights Day."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 171. A concurrent resolution expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia;

H. Con. Res. 176. A concurrent resolution expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania; and

H. Con. Res. 186. A concurrent resolution condemning resurgent anti-Semitism and ethnic intolerance in Romania.

MEASURES REFERRED

The following bills and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 175. An act to designate a clinical wing at the Department of Veterans Affairs Medical Center in Salem, VA, as the "Hugh Davis Memorial Wing"; to the Committee on Veterans' Affairs.

H.R. 948. An act to designate the U.S. courthouse located at 120 North Henry Street in Madison, WI, as the "Robert W. Kastenmeier United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1046. An act to amend title 38, United States Code, to increase, effective as of December 1, 1991, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans; to the Committee on Veterans' Affairs.

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, at the "Ralph H. Metcalf Federal Building"; to the Committee on Environment and Public Works.

H.R. 2968. An act to waive the period of congressional review for certain District of Columbia acts; to the Committee on Governmental Affairs.

H.R. 2969. An act to permit the Mayor of the District of Columbia to reduce the budgets of the Board of Education and other independent agencies of the District, to permit the District of Columbia to carry out a program to reduce the number of employees of the District government, and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 171. A concurrent resolution expressing the sense of the Congress relating to the rescue of approximately 14,000 Ethiopian Jews from Ethiopia to Israel, and to the current famine in Ethiopia; to the Committee on Foreign Relations.

H. Con. Res. 176. A concurrent resolution expressing the sense of the Congress regarding human rights violations in the Islamic Republic of Mauritania; to the Committee on Foreign Relations.

H. Con. Res. 186. A concurrent resolution condemning resurgent anti-Semitism and ethnic intolerance in Romania; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1690. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend section 1121 of Public Law 100–180, 101 Stat. 1147, to allow more effective use of the Department of Defense Counterintelligence Polygraph Program; to the Committee on Armed Services.

EC–1691. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on waste tank safety issues at the Hanford site; to the Committee on Armed Services.

EC–1692. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for participation by the United States in a capital stock increase of the International Finance Corporation; to the Committee on Banking, Housing, and Urban Affairs.

EC–1693. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on a transaction involving United States exports to the Union of Soviet Socialist Republics; to the Committee on Banking, Housing, and Urban Affairs.

EC–1694. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the implementation of the Imported Vehicle Safety Compliance Act of 1988; to the Committee on Commerce, Science, and Transportation.

EC–1695. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a notice on leasing systems for the Chukchi Sea, sale 126, scheduled to be held in August 1991; to the Committee on Energy and Natural Resources.

EC–1696. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1697. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmit-

ting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC–1698. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC–1699. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice of the use of funds from the United States Emergency Refugee and Migration Assistance Fund in two recent Presidential determinations; to the Committee on Foreign Relations.

EC–1700. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office in June 1991; to the Committee on Governmental Affairs.

EC–1701. A communication from the Vice President of the Farm Credit Bank of Springfield, transmitting, pursuant to law, the annual report on the Farm Credit Banks of Springfield Retirement Plan for the plan year ended December 31, 1990; to the Committee on Governmental Affairs.

EC–1702. A communication from the Attorney General of the United States and the Director of the Office of Management and Budget, Executive Office of the President, transmitting jointly, a draft of proposed legislation to assure, for financial management and budget related purposes, an accurate reflection of program-related expenditures arising from the taking of private property; to the Committee on Governmental Affairs.

EC–1703. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to make certain amendments to the Immigration and Nationality Act and the Immigration Act of 1990; to the Committee on the Judiciary.

EC–1704. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to amend the Federal mail fraud statute to permit the more effective and efficient prosecution of persons engaged in telemarketing fraud; to the Committee on the Judiciary.

EC–1705. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1990; to the Committee on the Judiciary.

EC–1706. A communication from the Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to provide for the recovery by the United States of the costs of hospital and medical care and treatment furnished by the United States in certain circumstances, and for other purposes; to the Committee on the Judiciary.

EC–1707. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association for calendar year 1990; to the Committee on Labor and Human Resources.

EC–1708. A communication from the Secretary of Education, transmitting, pursuant to law, final selection criteria for the Student Assistance General Provisions—Institutional Quality Control Project; to the Committee on Labor and Human Resources.

EC–1709. A communication from the Secretary of Education, transmitting, pursuant to law, notice of final funding priority—Research in Education of Individuals With Disabilities Program; to the Committee on Labor and Human Resources.

EC–1710. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to permit the Secretary of Veterans Affairs to declare an open season during which veterans with participating National Service Life Insurance policies can purchase paid-up, additional insurance with their dividend credits and deposits whenever the Secretary determines that it is administratively and actuarially sound for each program of insurance; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 628. A bill to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico (Rept. No. 102–127).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 855. A bill to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war" (Rept. No. 102–128).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1029. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes (Rept. No. 102–129).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 550. A bill to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes (Rept. No. 102–130).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1306. A bill to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes (Rept. No. 102–131).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 146. A resolution expressing the sense of the Senate regarding the recent volcanic disaster in the Philippines.

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 1145. A bill to amend the Ethics in Government Act of 1978 to remove the limitation on the authorization of appropriations for the Office of Government Ethics.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

George Edward Moose, of Maryland, a career member of the senior Foreign Service, class of Minister Counselor, to be Deputy Representative of the United States in the Security Council of the United Nations, with the rank of Ambassador;

James Thomas Grady, of Massachusetts, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1991;

Weldon W. Case, of Florida, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1993;

Quincy Mellon Krosby, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years;

Charles Graves Untermeyer, of Texas, to be an Associate Director of the United States Information Agency; and

Karl C. Rove, of Texas, to be a member of the Board for International Broadcasting for a term expiring April 28, 1994.

Charles R. Bowers, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bolivia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Charles R. Bowers.

Post: Bolivia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children names: Christopher, Stephanie (neither child is married).

4. Parents names: Sidney E. Bowers, Georgia F. Bowers (both parents are deceased).

5. Grandparents names: Mr. and Mrs. Harry Ozee; Mr. and Mrs. Sidney Bowers (all grandparents are deceased).

6. Brothers and spouses names: Robert E. Bowers, Brenda R. Bowers $25, August 2, 1990, "Keep George Brown in Congress Committee."

7. Sisters and spouses names: N/A.

Sally G. Cowal, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Sally G. Cowal.

Post: Trinidad & Tobago.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Anthony C. Cowal, none.

3. Children and spouses names: Gregory Cowal; Kirsten Cowal; Alexandra Cowal, none.

4. Parents names: James Smerz, (father) Florence Smerz (stepmother), none.

5. Grandparents names: None alive.

6. Brothers and spouses names: None, James Smerz (brother), Nancy Smerz (sister-in-law), none.

7. Sisters and spouses names: No sisters.

Morris D. Busby, of Virginia, a Career Member of the senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Colombia.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Morris D. Busby.

Post: Colombia.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Scott M. Busby, none; Patrick C. Busby, none.

4. Parents names: Mary E. Busby, none.

5. Grandparents names: N/A.

6. Brothers and spouses names: N/A.

7. Sisters and spouses names: Mr. & Mrs. C.J. Hamilton, none.

Luis Guinot, Jr., of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Luis Guinot, Jr.

Post: U.S. Ambassador—Republic of Costa Rica.

Contributions, amount, date, and donee:

1. Self: $1,000, 1985, Fund for America's Future; $1,000, 1986, Fund for America's Future; $100, 1986, Bush for President (primary) VA., $100, 1988 Bush for President (primary) PR; $250, 1988, Bush for President.

2. Spouse: Marta L. Guinot, all donations listed in continuation sheet were made jointly.

3. Children and spouses: Luis R. Guinot III, no contributions made; Beatriz Guinot-Barnes, daughter, no contributions made; Darryll Barnes, son in law, no contributions made; Patricia Guinot-Berube, daughter, no contributions made; George Berube, son in law, no contributions made; Victoria M. Guinot, daughter, no contributions made; Claudia C. Guinot, daughter, no contributions made.

4. Parents names: Luis Guinot and Marcelina Rivera Guinot, no contributions made.

5. Grandparents names: Jose Guinot and Rosarie Rivera Guinot, deceased prior to 1986; Esteban Rivera and Angela Perz Rivera, deceased prior to 1986.

6. Brothers and spouses names: None.

7. Sisters and spouses names: Maria C. Guinot, unmarried, no contributions made.

Arthur Hayden Hughes, of Nebraska, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Arthur H. Hughes.

Post: U.S. Ambassador—Republic of Yemen.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Alexander G. Hughes, Mary Marie Hughes (spouse), Katherine L. Hughes.

4. Parents names: Deceased 1982, 1985.

5. Grandparents names: Deceased 1953 and earlier.

6. Brothers and spouses names: David E. Hughes, Janice Hughes (spouse), none.

7. Sisters and spouses names: Ardith Hughes Hartford, Richard Hartford (spouse), $10.00, 1988, George Bush.

Christopher W.S. Ross, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Syrian Arab Republic.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Christopher W.S. Ross.

Post: Ambassador to Syria.

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: Anthony G. Ross, no spouse, none.

4. Parents names: Claude G. & Antigone A. Ross, none.

5. Grandparents names: Grace Ross, all others deceased, none.

6. Brothers and spouses names: Geoffrey F. Ross, no spouse, none.

7. Sisters and spouses names: None.

Frank G. Wisner, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Frank G. Wisner.

Post: Republic of the Philippines.

Contributions, amount, date, and donee:

1. Self: $50.00, 1990, Les Aspin for Congress.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: Mary Fritchey, mother, $910.00, May 2, 1988, In-kind contribution Les Aspin for Congress (reception at home); $100.00, May 10,1988, Citizens for Kathleen Townsend (MD); $100.00, June 3, 1988, Skip Humphrey for Senate Campaign (MN); $100.00, December 1989, Andrew Young; $100.00, December 1989, Sidney Yates (IL); $20.00, December 12, 1990, Kerry for Senate in 1990 Committee (MA); $250.00, March 6, 1990, Re-elect Claibornie Pell; $1,035.00, October 2, 1990, In-kind contribution Les Aspin for Congress (reception at home); $100.00, October 10, 1990, Claiborne Pell for Senate; $25.00, October 10, 1990, Kerry for Senate (MA); $100.00, October 10, 1990, Espy for Congress (MS).

5. Grandparents names: None.

6. Brothers and spouses names: Graham Wisner, brother, $5,000.00, April 1987, James Evans, Candidate for Attorney General—Alabama; $1,000, September 1990, Rep. Charles Jones, Candidate for Louisiana Appeals Court; $200.00, November 1990, Sharon Pratt Dixon, Candidate for Mayor of Washington, DC. Ellis Wisner, brother, $100.00, July 3, 1987, the Committee for Tim Wirth. Wendy Hazard, sister, $200.00, 1989-90, Tom Andrews for Congress; $100.00, 1989, Democratic Socialists of America; $100.00, 1990, Democratic Socialists of America; $200.00, 1987-88, Jesse Jackson for President; $50.00, 1988, Senator George Mitchell Campaign; $100.00, 1988, National Democratic Party.

7. Sisters and spouses names: No information received as of January 30, 1991.

Robert Michael Kimmitt, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert Michael Kimmitt.

Post: U.S. Ambassador to Germany.

Contributions, amount date, and donee:

1. Self: $1,000, 1988, Pete Dawkins for Senate; $250, 1988, Catch the Spirit PAC; $100, 1988, Illinois Victory.

2. Spouse: $500, 1988, Pete Dawkins for Senate.

3. Children (no spouses): Kathleen W. Kimmitt, none; Robert M. Kimmitt, Jr., none; William P. J. Kimmitt, none; Thomas M. Kimmitt, none; Margaret R. Kimmitt, none.

4. Parents: Joseph S. Kimmitt, $600, 1987, McDonnell Douglas Helicopter Co. PAC; $600, 1988, McDonnell Douglas Helicopter Co. PAC; $600, 1989, McDonnell Douglas Helicopter Co. PAC; $20, 1989, Democratic National Committee; $600, 1990, McDonnell Douglas Helicopter Co. PAC; $100, 1990, Sloane for Senate; $200, 1990, Montana Technologies Co. PAC; $20, 1990, Democratic National Committee; $57.70, 1991, McDonnell Douglas Helicopter Co. PAC; Eunice L. Kimmitt, none.

FEC records list a $500 contribution by my father to the Akaka for Senate campaign in 1990, but this contribution was made by the McDonnell Douglas Helicopter Co. PAC, not my father.

5. Grandparents: Joseph and Margaret Kimmitt, deceased; Henry and Leona Wegener, deceased.

6. Brothers and spouses: Joseph H. Kimmitt, $50, 1991, Jim Moran for Congress; Carol W. Kimmitt, $50 (in kind) 1990, Jim Moran for Congress; Thomas M. Kimmitt, none; Mark T. Kimmitt, none; Catherine M. Kimmitt, none.

7. Sisters and spouses: Kathy K. Ross, none; Michael Ross, none; Mary K. Laxton, none; Stephen Laxton, none; Judy K. Rainey, $25, 1990, Ted Muenster for Senate; Terence J. Rainey, none.

Robert S. Strauss, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert S. Strauss.

Post: Ambassador to the Soviet Union.

Contributions, amount, date, and donee:

1. Self: 1987—Akin, Gump, Strauss, Hauer & Feld Civic Action Committee; January 28, 1987, $5,000; Gephardt for President, February 25, 1987, $1,000; Dukakis for President, March 26, 1987, $500; Al Gore for President, April 22, 1987, $500; Friends of Gary Hart, April 22, 1987, $500; Valley Education Fund/Tony Coelho, May 4, 1987, $1,000; Friends of Robert C. Byrd, June 23, 1987, $1,000; Biden for President, June 30, 1987, $500; Jim Wright Appreciation Fund, November 16, 1987, $1,000;

House Leadership Fund/Tom Foley, November 25, 1987, $500; Jesse Jackson, June, 1987, $250; Simon for President, June 18, 1987, $500; Democratic Action Committee, January, 1987, $10; Dallas Democratic Committee, August, 1987, $1,000; Annette Strauss for Mayor, February, 1987, $5,000.

1988: Akin, Gump, Strauss, Hauer & Feld, Civic Action Committee, January 25, 1988, $4,918; Bryan for Senate, April 22, 1988, $1,000; MacKay for Senate, October 11, 1988, $1,000; '88—Metzenbaum for Senate, October 12, 1988, Reubin Askew for Senate, April 19, 1988, $1,000. Reubin Askew for Senate, June 21, 1988, $320; Dallas Democratic Committee, July, 1988, $1,000.

1989: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, January, 1989, $5,000; 1990—Exon for Senate, February 1, 1989, $1,000; Harkin for Senate, July 21, 1989, $1,000; Comm. to Reelect Tom Foley, September 5, 1989, $1,000; Oklahomans for Boren, October 23, 1989, $1,000; Ben Cardin for Congress, November 15, 1989, $350; Dallas Democratic Committee, February, 1989, $1000; Dallas Democratic Committee, July, 1989, $150; Reelect Gov. Neil Goldschmidt, November 21, 1989, $500.

1990: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, February, 1990, $5,000; Gephardt for Congress, February 7, 1990, $500; Comm. to Reelect Jack Brooks, February 26, 1990, $1,000; Ted Muenster for Senate, May 23, 1990, $1,000; Sloane for Senate, June 26, 1990, $250; Sloane for Senate, September 26, 1990, $500; Harkin for Senate, October 10, 1990, $500; Kerry for Senate, October 10, 1990, $500; Cynthia Sullivan for Congress, October 10, 1990, $100; Parmer for Senate, January 17, 1990, $200; Womens National Democratic Club, August, 1990, $400; Dallas Democratic Party, August, 1990, $100; Dallas Democractic Forum, September, 1990, $200; Dallas Democratic Party, October, 1990, $250; Ann Richards for Governor, June 26, 1990, $1,000; Goddard for Governor, October 10, 1990, $550.

1991: Akin, Gump, Strauss, Hauer & Feld Civic Action Committee, January 22, 1991, $5,000; Friends of Bob Graham, February 28, 1991, $500; Comm. to Reelect Jack Brooks, May 1, 1991, $1,000; Wendell Ford for Senate, June 11, 1991, $1,000; Dallas Democratic Finance Council, May 3, 1991, $1,000.

2. Spouse: Helen J. Strauss, $500, February 10, 1988, Gephardt for President.

3. Children and spouses names: Robert A. Strauss (spouse-Olga), Babbitt for President, February 20, 1987, $250.00; Arizona Democratic Council, March 3, 1987, $125.00; Babbitt for President, April 30, 1987, $50.00; Democratic Senate Campaign Committee, August 24, 1987, $25.00; The Maxi Committee, Senator Dennis DeConcini, November 16, 1987, $1000.00; Arizona Democratic Council, November 24, 1987, $125.00; Arizona Democratic Council, February 4, 1988, $125.00; Arizona Democratic Council, April 1, 1988, $125.00; The Maxi Committee, May 12, 1988, Senator Dennis DeConcini, $1000.00; Arizona Democratic Party, June 2, 1988, $25.00; Arizona Democratic Council, July 1, 1988, $125.00; Arizona Democratic Council, September 26, 1988, $125.00; Arizona Democratic Council, December 29, 1988, $125.00; Arizona Democratic Council, April, 3 1989, $125.00; Arizona Democratic Party, May 8, 1989, $250.00; Arizona Democratic Council, July 5, 1989, $125.00; Arizona Leadership for America, Search Committee, July 11, 1989, $250.00; Arizona Democratic Council, October 2, 1989, $125.00; IMPACT 2000, October 19, 1989, $50.00; IMPACT 2000, October 31, 1989, $200.00; Arizona Democratic Council, May 9, 1990, $250.00; Democratic Party of Arizona, August 7, 1990, $250.00; Democratic Party of Arizona, August 10, 1990, $250.00; DeConcini 1994 Committee, September 4, 1990, $1000.00; Democratic Party of Arizona, January 18, 1991, $250.00; IMPACT 1990, February 5, 1991, $250.00; Arizona Democratic Party, March 8, 1991, $125.00; Democratic Party of Arizona, March 11, 1991, $250.00; Arizona Democratic Party, April 29, 1991, $100.00; Arizona Democratic Council, May 6, 1991, $125.00; Volgy for Congress, June 11, 1991, $1000.00.

Richard C. Strauss (spouse-Diana), Jim Wright Campaign, January 30, 1987, $2,000.00; Democratic Finance Council, February 26, 1987, $1,000.00; Martin Frost Campaign, March 17, 1987, $250.00; Democratic Finance Council, April 28, 1987, $1,000.00; Martin Frost Campaign, August 4, 1987, $2,000.00; Wright Appreciation Fund, November 10, 1987, $2,000.00; Lloyd Bentsen Campaign, January 27, 1988, $1,821.34; Democratic Finance Council, February 19, 1988, $1,000.00; FedPac, February 19, 1988, $500.00; Rep. Kent Grusendorf Campaign, March 7, 1988, $250.00; Dallas Democratic Forum, May 11, 1988, $250.00; Senator DeConcini Dinner, June 27, 1988, $1,000.00; Buddy MacKay for Senate, October 21, 1988, $1,000.00; Craig Washington for Congress, August 31, 1989, $2,000.00; Sandy Kress Campaign, October 30, 1989, $1,000.00; Chet Edwards Campaign, December 20, 1989, $2,000.00; Chet Edwards Campaign, September 5, 1990, $2,000.00; Wendell Ford for Senate, May 23, 1991, $2,000.00. Susan Strauss Breen (spouse-George), none.

4. Parents Names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Theodore Strauss (spouse-Annette), none.

7. Sisters and spouses names: None.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 99-29. Convention Providing a Uniform Law on the Form of an International Will (Exec. Rept. No. 102-9);

Treaty Doc. 101-14. Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation (Exec. Rept. No. 102-10);

Treaty Doc. 101-15. Amendments to the 1928 Convention Concerning International Expositions, as Amended (Exec. Rept. No. 102-11);

Treaty Doc. 101-17. Protocol Amending Extradition Treaty With Canada (Exec. Rept. No. 102-12).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION AS REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention Providing a Uniform Law on the Form of an International Will, adopted at a diplomatic conference held in Washington, DC, from October 16 to 26, 1973, and signed on behalf of the United States on October 27, 1973.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation, done at Montreal on October 6, 1989.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Amendments to the Convention of November 22, 1928, concerning International Expositions, as amended (TIAS Series 6548, 6549, 9948, and Treaty Doc. No. 98-1).

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Protocol signed at Ottawa on January 11, 1988, amending the Treaty on Extradition Between the United States of America and Canada, signed at Washington on December 3, 1971, as amended by an exchange of notes on June 28 and July 9, 1974.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH:

S. 1584. A bill to extend temporarily the existing suspension of duty on sulfamethazine; to the Committee on Finance.

S. 1585. A bill to extend temporarily the existing suspension of duty on sulfathiazole; to the Committee on Finance.

S. 1586. A bill to extend temporarily the existing suspension of duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 1587. A bill to suspend temporarily the duty on oxalacetic acid diethylester sodium salt; to the Committee on Finance.

By Mr. DECONCINI:

S. 1588. A bill to amend title 11 of the United States Code to make clear that the actual and necessary expenses incurred by official creditors' and equity security holders' committees in a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 1589. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. COATS, and Mr. HATCH):

S. 1590. A bill to reauthorize programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. D'AMATO:

S. 1591. A bill to amend title 18, United States Code, to provide for participation by fire service agencies in forfeitures resulting from acts in which such agencies participate that lead to the seizure or forfeiture of property; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 1592. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. PELL (for himself, Mr. HATCH, Mr. KENNEDY, and Mrs. KASSEBAUM):

S. 1593. A bill to improve the operation and effectiveness of the United States National

Commission on Libraries and Information Science, and for other purposes; considered and passed.

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. HARKIN, Mr. DURENBERGER, Ms. MIKULSKI, Mr. ADAMS, Mr. DODD, Mr. METZENBAUM, Mr. SIMON, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1594. A bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to resume and make technical amendments to the community-based AIDS research initiative, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 161. A resolution commending the Government and people of Nepal on their first multi-party election in 30 years; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Res. 162. A resolution to establish a Select Committee on POW/MIA Affairs; to the Committee on Rules and Administration.

By Mr. THURMOND:

S. Con. Res. 56. A concurrent resolution to recognize and commend military colleges; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH:

S. 1584. A bill to extend temporarily the existing suspension of duty on sulfamethazine; to the Committee on Finance.

S. 1585. A bill to extend temporarily the existing suspension of duty on sulfathiazole; to the Committee on Finance.

S. 1586. A bill to extend temporarily the existing suspension of duty on difenzoquat methyl sulfate; to the Committee on Finance.

S. 1587. A bill to suspend temporarily the duty on oxalacetic acid diethyl ester sodium salt; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

• Mr. DANFORTH. Mr. President, I am introducing today four miscellaneous tariff bills. The first bill extends temporarily the existing suspension of duty on sulfamethazine through December 31, 1994. The second bill extends temporarily the existing suspension of duty on sulfathiazole through December 31, 1994. Both of these chemicals are used as animal feed additives and neither is produced in the United States.

The third bill extends temporarily the existing suspension of duty on difenzoquat methyl sulfate through December 31, 1994. The fourth bill suspends temporarily the duty on oxalacetic acid diethyl ester sodium salt through December 31, 1994. Both of these chemicals are used in herbicides and, again, neither is produced in the United States.

I ask unanimous consent that the texts of these bills be printed in full in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.80 of the Harmonized Tariff Schedule of the United States (relating to sulfamethazine) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.82 of the Harmonized Tariff Schedule of the United States (relating to sulfathiazole) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXISTING SUSPENSION OF DUTY.

Heading 9902.29.65 of the Harmonized Tariff Schedule of the United States (relating to 1,2-Dimethyl-3,5-diphenylpyrazolium methyl sulfate) is amended by striking "12/31/90" and inserting "12/31/94".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) which was made after December 31, 1990, and before the 15th day after the date of the enactment of this Act; and

(2) with respect to which there would have been no duty if the amendment made by section 1 applied to such entry or withdrawal;

shall be liquidated or reliquidated as though such amendment applied to such entry or withdrawal.

S. 1587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSION.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

"9902.31.12 Oxalacetic acid diethyl ester sodium salt (provided for in subheading 2918.30.50)	Free	No change	No change	On or before 12/31/94".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applies with respect to goods entered, or withdrawn from warehouse consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. DECONCINI:

S. 1588. A bill to amend title 11 of the United States Code to make clear that the actual and necessary expenses incurred by official creditors' and equity security holders' committees in a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

TREATMENT OF EXPENSES UNDER CHAPTER 11

• Mr. DECONCINI. Mr. President, today I am introducing legislation to clarify that official creditors' and equity security holders' committees are eligible to recover reasonable "actual and necessary" administrative expenses incurred during a chapter 11

bankruptcy procedure. The bankruptcy courts currently disagree over whether and to what extent official creditors' committees may recover their costs. This legislation is necessary to clarify, once and for all, that official creditors' committees appointed under section 1102 of the Bankruptcy Code are eligible to have their expenses paid as an administrative cost.

The George Worthington bankruptcy case is the only court of appeals decision which reviews whether an official unsecured creditors' committee may recover fees and expenses from a chapter 11 estate—See in re George Worthington, 921 F.2d 626 (6th Cir. 1990). In this decision the sixth circuit reversed, on rehearing, its earlier decision and that of the bankruptcy court, which held that the Bankruptcy Code contained no express authority for the reimbursement of an official creditors' committees' administrative expenses.

In reversing itself, the court reasoned that the reimbursement of creditors' committees "is implied in the overall scheme for reorganization and in the legislative history of the code and its amendments." The evolution of the George Worthington chapter 11 bankruptcy case represents the two extreme positions that have been taken by the courts on this issue and affirms the need for this legislation.

The legislation I am introducing today differs significantly from the bill that I proposed last year. I have heard from a number of creditor groups as well as bankruptcy judges who strongly oppose requiring official creditors' committees to prove they made a substantial contribution to the case to recover their expenses. This substantial contribution requirement severely limits who and what can be reimbursed. It discourages active participation in creditors' committees because it precludes recovery of expenses for routine committee functions, such as travel to committee meetings. Therefore, I have eliminated the "substantial contribution" requirement for equity security holders' and official creditors' committees appointed under section 1102 of the Bankruptcy Code.

Creditors' committees are intended to play a significant role in chapter 11 practice. Congress created equity security holders' and creditors' committees to protect the interests of small unsecured creditors who are often underrepresented in a bankruptcy action. A major function of these committees is to negotiate and consider the type of plan recommended to satisfy the creditors' claim. The creditors' committee is also responsible for monitoring the operations of the debtor to determine whether the debtor is complying with bankruptcy procedure. This function is especially important considering that the debtor, generally, retains possession of the assets during the chapter 11 proceedings.

Active participation of creditors' committees in bankruptcy proceedings is necessary for an efficient and cost-effective system. Abolishing barriers which prevent equity security holders' and creditors' committees reimbursement of administrative costs is important, but it becomes essential in smaller, more routine, cases when the incentive to serve is lessened. As a costly and unfortunate consequence in these cases, the burden of debtor supervision shifts to the trustee if creditors are unwilling to serve on committees.

When Congress rewrote the Bankruptcy Code in 1978, it intended to continue the practice which existed under the 1898 act of allowing official creditors' committees reimbursement for reasonable and necessary costs. The omission of explicit language providing for this was an oversight. This legislation will correct the problem. I feel confident that this bill will encourage unsecured creditors' and equity security holders' to actively participate in the committee process and result in fair and equitable representation in chapter 11 reorganization cases.

I ask unanimous consent that the bill be printed in the RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended by—

(1) striking "and" at the end of paragraph (5);

(2) adding "and" at the end of paragraph (6); and

(3) adding at the end thereof the following new paragraph:

"(7) the actual, necessary expenses incurred by a committee representing creditors or equity security holders appointed under section 1102 in the performance of its powers and duties under that section;".●

By Mr. GRASSLEY:

S. 1589. A bill to amend title III of the Older Americans Act of 1965 with respect to assistance to older individuals who reside in rural areas; to the Committee on Labor and Human Resources.

RURAL EQUITY FOR OLDER AMERICANS AMENDMENTS

● Mr. GRASSLEY. Mr. President, I am also introducing today a bill which would amend the Older Americans Act of 1965 to require that State allocation formulas include a rural weighting factor. This bill was introduced in the House of Representatives by Congresswoman OLYMPIA SNOWE as H.R. 2020 on April 23, 1991.

There is in the Older Americans Act at the present time a provision requiring that State agencies spend in rural areas an amount not less than 105 percent of the amount spent in 1978. This provision was originally included in the act to account for the additional expense associated with providing services in rural communities—that is, the greater difficulty and expense associated with providing services in areas where population is spread thinly across large distances.

Given that the 105 percent is of the amount spent in 1978, it is clearly out of date and of little help to rural area agencies on aging and the people who they serve. The bill I introduce today therefore repeals this provision of the law.

But the main feature of this legislation is a requirement that the State allocation formulas, required by the act, include a factor reflecting the additional costs of providing geographical access to services to rural older Americans.

Furthermore, the bill also requires the commissioner on aging to define by rule the term "rural."

Mr. President, given that some 25 to 30 percent of older people live in rural areas, but less than 15 percent of Older Americans Act funds are spent there, it seems to me that it is high time to place a focus on our rural communities when we allocate Older Americans Act funds at the State level.

I ask unanimous consent that a copy of the bill be printed in the RECORD after my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Equity for Older Americans Amendments of 1991."

SEC. 2. AMENDMENTS.

(a) DEFINITION.—Section 302 of the Older Americans Act of 1965 (42 U.S.C. 3022) is amended—

(1) by redesignating paragraphs (14) through (21) as paragraphs (12) through (19), respectively, and

(2) by adding at the end the following:

"(20) The term 'rural' shall have the meaning given it by a rule that shall be issued, and amended from time to time, by the Commissioner.".

(b) ORGANIZATION.—Section 305(a)(2)(E) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(E)) is amended by inserting "and to older individuals residing in rural areas" after "minority individuals".

(c) STATE FORMULA FOR DISTRIBUTION OF FUNDS.—(1) Section 305(a)(2)(C) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(2)(C)) is amended by inserting after "account" the following: "a factor that reflects the cost of providing geographical access to services to older individuals residing in rural areas".

(2) Section 307(a)(3) of the Older Americans Act of 1965 (42 U.S.C. 3027(a)(3)) is amended—

(A) in subparagraph (A) by striking "(A)", and

(B) by striking subparagraph (B).

(3) Section 307(b) of the Older Americans Act of 1965 (42 U.S.C. 3027(b)) is amended—

(A) in paragraph (1) by striking "(1)", and
(B) by striking paragraph (2).

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by section 2 shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.•

By Mr. DODD (for himself, Mr. COATS, and Mr. HATCH):

S. 1590. A bill to reauthorize programs under the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, the Abandoned Infants Assistance Act of 1988, the Family Violence Prevention and Services Act, and the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, and for other purposes; to the Committee on Labor and Human Resources.

CHILD ABUSE PREVENTION AND TREATMENT AMENDMENTS

• Mr. DODD. Mr. President, I rise today to introduce, the administration's Child Abuse, Domestic Violence, Adoption and Family Services Act of 1991. Joining me are Senators COATS and HATCH as principle cosponsors of this bill.

Last year, over 2½ million children were reported as victims of child abuse or neglect—a 31-percent increase from 1985. Child deaths due to maltreatment increased by 38 percent over the same time interval. Over 1,200 children died from abuse or neglect in 1990. Domestic violence, meanwhile, represents one of the greatest public health problems facing women and children today. It results in more serious injury to women than rapes, auto accidents, and muggings combined—and accounts for 30–40 percent of all women entering hospital emergency rooms for care.

The only good news is that we agree that child abuse and domestic violence are major national problems and that there is bipartisan resolve to effectively address this intolerable situation.

There are three principle sections in this bill. The Child Abuse Prevention and Treatment Act authorizes grant programs to support State efforts to identify, prevent, and treat child abuse—as well as to investigate and prosecute child abuse cases. The family violence prevention and services amendments seek to prevent domestic violence and provides immediate safe shelter for victims of family violence. The adoption opportunities section awards grants to link prospective parents with children with special needs who are eligible for adoption. Our Nation's foster care population included over 400,000 children at the end of June 1990. Increasingly, children entering foster care have complex problems which require intensive services. More infants are born addicted to alcohol and other drugs, or are infected with the human immunodeficiency virus. This provision is the only Federal program that funds postadoption services for adoptive families.

This legislation reflects bipartisan recognition that these programs to prevent child abuse and domestic violence are ultimately cost-saving and vital to the well being of our society. I look forward to working with all of my colleagues to ensure the passage of effective, comprehensive legislation to protect our children and families.•

By Mr. D'AMATO:

S. 1591. A bill to amend title 18, United States Code, to provide for participation by fire service agencies in forfeitures resulting from acts in which such agencies participate that lead to the seizure or forfeiture of property; to the Committee on the Judiciary.

PARTICIPATION OF FIRE SERVICE AGENCIES IN FORFEITURES

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that enables local fire services to participate in Federal drug forfeitures funds. Firefighters face drug-related arson frequently; yet their role in the drug war is not recognized. The fire and emergency services are directly impacted by the manufacture, distribution, and use of illegal drugs. The drug problem has placed a significant burden on local fire departments. Unfortunately, the gains made over the years in improved firefighter safety and health are being undermined by this new enemy.

Section 981(e) of United States Code, title 18, the civil forfeiture section, presently reads that the Attorney General and the Secretary of the Treasury are authorized to transfer forfeited property to, among others, any State or local law enforcement agency which participated directly in any of the acts which led to the seizure or forfeiture of the property. My bill simply inserts "or local fire service" after the words "State or local law enforcement agency."

The International Association of Fire Chiefs and the International Association of Fire Fighters both enthusiastically support this legislation.

While law enforcement is recognized as the No. 1 agency dealing with the drug war, the fire service plays an important part in the battle as well. The public looks at the drug war as being a police problem, which it primarily is, but many times it is the fire service that is the first to respond.

Whether the victim has overdosed or has been assaulted, the fire service responds with emergency medical care. Whether the building has been set ablaze by free-basing cocaine users or an explosion occurs from the manufacturing of crack and other illicit drugs, the fire service is there to extinguish the flames. Often police team up with firefighters and building inspectors to close down crack houses.

According to Hal Bruno, ABC News political director and a contributing editor to Firehouse magazine:

> The fire department's ability to gain access to places without a search warrant also can lead to awkward and potentially dangerous situations. An engine or truck company checking out a strange odor in an apartment building can discover a PCP lab. A fire inspector looking for hazards and smoke detectors can stumble into a drug distribution center. An automobile fire or accident can reveal a cache of drugs or weapons when the vehicle's trunk is opened. The people who sell and transport drugs do not fill out hazardous materials warning forms.

According to the New York State Professional Fire Fighters Association, some firefighters have been killed or injured due to fires being set by informants or gang competitors. Further, the association states that many fire departments lack the funding to purchase equipment and to receive the training required to gain access to occupancies that have been converted into fortresses by drug dealers who seek to protect themselves from their competition and law enforcement agencies.

Communities are ravaged by arson, fire, and explosions from crack factories in urban, suburban, and rural areas. It is not just a big city problem. Moreover, the firefighter who provides emergency medical service sees on an every day basis drug-related problems such as the delivery of an infant addicted to drugs or the deaths of innocent civilians on the streets.

Two weapons used in the drug-related crime are guns and gasoline. The fire service has faced both. Fire departments have encountered razor barbed wire, pit bulls, bulletproof plexiglas—which is virtually unbreakable—and steel doors. Firefighters have been assaulted by drug addicts and dealers with knives and guns. This is not to mention the dangers inherent to the profession from a building collapse, an explosion, or exposure to carcinogenic gases.

Moreover, as reported in Newsday, April 4, 1989, in an article entitled "Dodging Bullets, Bloody Needles," the reporter states:

> I have heard recently from firefighters that they now fear going into burning crack houses, not so much because of their fear of fire—an old enemy—but because the stairs are littered with drug users' needles.

One only has to look at the voluminous number of articles in local newspapers across the Nation to understand the problems that our fire services are facing. The following are just a small sample of such news reports:

New York Post, October 1990, "Drug Dealer Burned Alive in 'Steel Tomb'":

> A woman pushing drugs in a steel-encased Brooklyn crackhouse was burned alive after a vengeful customer poured gas under a metal door and ignited it * * * an escape hatch in the ceiling had been bolted shut, and the steel security walls installed by pushers turned the apartment into a virtual blast furnace, officials said. * * * Members of Ladder Co. 111 had to use a blowtorch to gain entry. * * * they crawled in and within three

feet found a steel-plated wall that only had one small hole the size of a fist.

Chicago Tribune, July 15, 1988, "4 Died as Alleged Crack House Is Hit by Firebomb in Detroit":

Rival drug dealers apparently firebombed a suspected crack house Thursday, killing four residents of the duplex. * * * Six other people were injured, and the flames spread to an adjacent duplex occupied by two families who escaped. * * * Police and fire officials said little about the fire, the deadliest in Detroit since three firefighters died in March, 1987.

Newsday, November 1, 1988, "Firefighters See Leak, Find Flood of Drugs":

Fire fighters responding to a water leak complaint at an apartment building in Brooklyn's Flatbush section stumbled into a drug factory. * * * The fourth-floor apartment was stocked with huge quantities of crack, hashish, marijuana and LSD. * * * Police also found a broken shotgun, and five boxes of ammunition.

The Boston Globe, April 14, 1990, "Mattapan Blaze":

Fire fighters battle a four-alarm fire that destroyed a vacant three-story building. * * * Officials said the fire appeared to have been set. They said the wood-frame structure, which collapsed, had been used as a "crack house." * * * The blaze spread to two adjacent buildings, displacing 12 occupants.

United Press International, Savannah, GA, January 28, 1990, "Fires Set by Crack Users Growing":

* * * In recent months, at least a dozen abandoned houses and apartment buildings have caught fire, leaving downtown streets dotted with burned out hulks. Evidence of drug use was found in several torched buildings. * * * One fire on January 16, 1990, threatened to engulf a city block before fire fighters extinguished it.

Los Angeles Times, December 30, 1989, "Drug Factory Smoked Out":

Oceanside fire fighters found a fully operational methamphetamine laboratory when they arrived at a house to put out a fire. * * * There were about 15 pounds of methamphetamine and paraphernalia used to make the illegal drug at the House.

United Press International, New York, March 22, 1988, "Two Die in Arson Fire at Bronx Crack House":

Two squatters died huddled in a bathtub while others leaped from the windows of a drug-infested Bronx building Tuesday when arsonists set a ground floor shooting gallery ablaze and the whole city-owned tenement went up in flames. The fire, fueled by pools by flammable liquid, erupted at 3:56 a.m. and raced from room to room. * * * About 70 fire fighters using 18 trucks finally brought the blaze under control but not before the roof of the wood-frame building collapsed. * * * There were also two Oxy-acetylene tanks normally used for welding but that also could be employed for anything from providing heat for cooking drugs to cutting through locks and bars on stores or another "Guy's Crack Operation." * * * Police detectives joined the fire marshals at the scene, investigating the deaths of the man and woman.

Lost Angeles Times, October 16, 1990, "Anaheim: Burned Man Booked After Drug Lab Fire":

A man covered by burns walked into a doughnut shop and was arrested by police in connection with a fire at a home that authorities suspect was used as a methamphetamine lab. * * * Fire fighters found chemicals and laboratory equipment used to produce methamphetamines.

In 1989, New York City Fire Departments responded to 7,000 drug-related fires. More than 50 percent of the fires and incidents in Mount Vernon, NY are drug-related. The Office of Fire Prevention and Control of the State of New York estimates, in their findings for 1989 and the beginning of 1990, that 25 percent of the alarms responded to throughout New York State, both paid and volunteer, are drug-related.

Fire department resources are being exhausted because of the necessity to:

First, purchase additional special tools and equipment to deal with the massive security systems built by these drug dealers;

Second, respond to the increased number of calls and, consequently, to an increased workload;

Third, deal with the arson involved;

Fourth, remove hazardous materials at places such as raided drug labs; and

Fifth, cope with the loss of manpower due to injuries.

Fire fighters are facing an increased danger due to problems such as dangerous chemicals that are used in drug labs and explosive life threatening booby traps that are placed in drug houses to prevent trespassers. Fire services now have a need for knowledge and information concerning the methods and means to be used to successfully fight drug fires. The fire services seek: First, recognition of their role in the war on drugs; second, training opportunities, and third, additional equipment. Access to drug forfeited funds is crucial to the well-being and success of our local fire services and I urge my colleagues to support this important legislation.●

By Mr. CHAFEE:

S. 1592. A bill to amend title XIX of the Social Security Act to allow States to provide coverage under Medicaid for the costs of prescription drugs for qualified Medicare beneficiaries, and for other purposes; to the Committee on Finance.

PRESCRIPTION DRUG PURCHASING ASSISTANCE FOR OLDER AMERICANS ACT

● Mr. CHAFEE. Mr. President, in recent years we have seen significant increases in the cost of health care. One of the areas that I most frequently hear about from my constituents is the increasing cost of prescription drugs. These increases have disproportionately affected the population which most widely uses prescription drugs—our Nation's elderly.

According to the Congressional Budget Office, in 1991, average out-of-pocket expenditures for prescription drugs will likely be $550 per Medicare part B enrollee. For some, the cost will be much higher. Although Medicare covers the cost of prescription drugs while a patient is hospitalized, the program does not cover the cost of outpatient prescription drugs. Some seniors do have coverage of such drugs. For those who can afford Medicare supplemental insurance policies, or Medigap insurance, prescription drugs are usually covered. In addition, very low-income seniors are eligible for coverage under the State Medicaid programs.

There are Medicare-eligible individuals, however, who do not qualify for Medicaid, and do not have insurance coverage for outpatient prescription drugs. For these seniors, the cost of daily medication for a condition such as high blood pressure or high cholesterol, can severely restrict their ability to meet other critical living expenses such as food and rent. In some cases they are forced to forgo the medication altogether. Without proper medication, these people often wind up in our hospital emergency rooms, at a much higher cost to our health care system.

Today, I am introducing the Prescription Drug Purchasing Assistance for Older Americans Act. This legislation helps make the cost of prescription drugs more affordable to low-income seniors. This bill gives States the option of extending their Medicaid prescription drug program to Medicare-eligible individuals with incomes below 110 percent of the Federal poverty level. In addition, this measure would give States the option of allowing those with slightly higher incomes to buy-in to the State's Medicaid prescription drug benefit. States would be permitted, but not required, to charge a premium to persons with incomes between 110 percent and 200 percent of the Federal poverty level. This premium, however, would be limited to 5 percent of the individual's adjusted gross income.

I am hopeful that this legislation will greatly assist low-income seniors who are struggling to pay for their medications, or who cannot afford them at all. I urge my colleagues to join me in sponsoring this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Prescription Drug Purchasing Assistance for Older Americans Act."

SEC. 2. OPTIONAL STATE MEDICAID COVERAGE OF COSTS OF PRESCRIPTION DRUGS FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Section 1905(p) of the Social Security Act (42 U.S.C. 139d(p)) is

amended by adding at the end the following new paragraph:

"(5)(A) Notwithstanding any other provision of this title, in a State which provides medical assistance for prescribed drugs under section 1905(a)(12), the State may provide to a qualified medicare beneficiary or an individual who would be such a beneficiary but for the fact such an individual's income exceeds the income level established by the State under paragraph (2) or section 1902(a)(10)(E), but is less than 200 percent of the poverty line described in such paragraph, benefits for prescribed drugs in the same amount, duration and scope as the benefits made available under the State plan for individuals described in section 1902(a)(10)(A)(i).

"(B) A State electing to provide benefits for prescription drugs to individuals described in subparagraph (A) who would be qualified medicare beneficiaries but for such individual's income may charge a premium or copayment to such individuals for such benefits but such premium or co-payment may not exceed 5 percent of such individuals gross income.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to payments for calendar quarters beginning on or after January 1, 1992, without regard to whether or not final regulations to carry out such amendment have been promulgated by such date.

By Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DURENBERGER, Ms. MIKULSKI, Mr. ADAMS, Mr. DODD, Mr. METZENBAUM, Mr. SIMON, Mr. PELL, Mrs. KASSEBAUM, and Mr. JEFFORDS):

S. 1594. A bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes; to the Committee on Labor and Human Resources.

TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE ACT OF 1991

Mr. KENNEDY. Mr. President, I rise today to introduce the Terry Beirn Community-Based AIDS Research Initiative Act of 1991, along with my good friend and colleague from Utah, Senator HATCH.

In early 1987, Senator HATCH and I introduced the first comprehensive AIDS legislation to be considered by the Congress. Among other things, this landmark legislation was designed to accelerate AIDS research and to expand access to experimental therapies to people with HIV infection and AIDS. We were extremely pleased, at that time, to receive the unanimous endorsement of the Committee on Labor and Human Resources and to ultimately enact the AIDS Research and Information Act of 1988 as Public Law 100-607.

As part of this comprehensive effort, our AIDS consultant to the Committee on Labor and Human Resources, Terry Beirn, recommended that we establish a pilot program to take advantage of the extraordinary expertise that community clinicians had developed in the day-to-day care management of persons with HIV infection and to encourage participation in research protocols by those who were underrepresented in HIV related research. Public Law 100-607 did create this type of innovative program which became known as the Community Program for Clinical Research on AIDS [CPCRA].

These programs coordinate studies and train medical staff in the exacting rigors of collecting data that meets FDA and pharmaceutical industry standards for drug approval. This model has a proven ability to conduct rapid trials which meet the very highest standards of scientific inquiry, most notably resulting in the FDA's June 1989, decision to license aerosolized pentamidine as a preventive treatment for PCP, the leading killer of people with AIDS. This decision was primarily based on data collected by community-based clinical trials.

Currently, the CPCRA is operating in communities across this country from Phoenix to Detroit, and from Kansas City to Portland—located in both urban and rural areas.

The Senate Appropriations Subcommittee on Labor, Health/Human Services, and Education applauded the fine contributions these programs have made and encouraged the NIH to significantly increase the funding allocation.

This legislation will take two extremely important actions. First and foremost, it will rename this program for Terry Beirn, its primary architect—a tireless advocate for community-based research who died last week of AIDS-related complications. Terry was steadfast in his belief in biomedical research and sound science and he was convinced that a partnership among all interested parties would be most likely to yield effective therapeutics. Because of his dedication to this cause—we dedicate this program in his honor.

Finally, this legislation reauthorizes this extremely important program for an additional 5 years. It is our hope that these community-based initiatives will continue to produce treatments which will reduce the suffering for those suffering from HIV disease.

As always I am extremely pleased by the strong showing of bipartisan support from the Labor Committee and am grateful for the cosponsorship of Senators HATCH, HARKIN, DURENBERGER, ADAMS, JEFFORDS, MIKULSKI, METZENBAUM, SIMON, DODD, PELL, and KASSEBAUM. I am hopeful that the Senate will act swiftly on this important tribute.

ADDITIONAL COSPONSORS

S. 140

At the request of Mr. WIRTH, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 141

At the request of Mr. DASCHLE, the names of the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 150

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 150, a bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to Government bonds.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from New Hampshire [Mr. RUDMAN], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 474

At the request of Mr. DECONCINI, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 474, a bill to prohibit sports gambling under State law.

S. 481

At the request of Mr. SIMON, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 481, a bill to authorize research into the desalting of water and water reuse.

S. 514

At the request of Mr. MIKULSKI, the names of the Senator from Nevada [Mr. BRYAN], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 514, a bill to amend the Public Health Service Act, the Social Security Act, and other Acts to promote greater equity in the delivery of health care services to women through expanded research on women's issues, improved access to health care services, and the development of disease prevention activities responsive to the needs of women, and for other purposes.

S. 550

At the request of Mr. CRAIG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 550, a bill to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes.

S. 588

At the request of Mr. MITCHELL, the names of the Senator from Michigan [Mr. LEVIN], and the Senator from Ari-

zona [Mr. DECONCINI] were added as a cosponsors of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 651

At the request of Mr. GARN, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 765

At the request of Mr. BREAUX, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Idaho [Mr. SYMMS], and the Senator from Colorado [Mr. BROWN] were added as a cosponsors of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 827

At the request of Mr. SHELBY, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 827, a bill to credit time spent in the Cadet Nurse Corps during World War II as creditable for Federal civil service retirement purposes for certain annuitants and certain other individuals not covered under Public Law 99-638.

S. 838

At the request of Mr. DODD, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such Act, and for other purposes.

S. 881

At the request of Mr. INOUYE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 881, a bill to amend title VII of the Public Health Service Act to provide educational support for individuals pursuing graduate degrees in social work, and for other purposes.

S. 1102

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to provide coverage of qualified mental health professionals services furnished in community mental health centers.

S. 1245

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1327

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1327, a bill to provide for a coordinated Federal program that will enhance the national security and economic competitiveness of the United States by ensuring continued United States technological leadership in the development and application of national critical technologies, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from Tennessee [Mr. SASSER] was withdrawn as a cosponsor of S. 1327, supra.

S. 1358

At the request of Mr. GRAHAM, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from New York [Mr. D'AMATO], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 1358, a bill to amend chapter 17 of title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a hospice care pilot program and to provide certain hospice care services to terminally ill veterans.

S. 1398

At the request of Mr. REID, the names of the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. LEAHY], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1398, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from certain rules for determining contributions in aid of construction.

S. 1423

At the request of Mr. DODD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1423, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups.

S. 1441

At the request of Mr. COCHRAN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1441, a bill to provide disaster assistance to agricultural producers, and for other purposes.

S. 1475

At the request of Mr. HARKIN, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1475, a bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes.

S. 1480

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1480, a bill to establish the United States Census Commission.

S. 1504

At the request of Mr. INOUYE, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 1504, a bill to authorize appropriations for public broadcasting, and for other purposes.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1554

At the request of Mr. BENTSEN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Mississippi [Mr. LOTT], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from California [Mr. CRANSTON], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. SHELBY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 1554, a bill to provide emergency unemployment compensation, and for other purposes.

S. 1565

At the request of Mr. GRAHAM, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1565, a bill to amend the Federal Aviation Act of 1958 to ensure fair treatment of airline employees in connection with routine transfers.

S. 1571

At the request of Mr. EXON, the names of the Senator from West Virginia [Mr. ROCKEFELLER] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1571, a bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

S. 1574

At the request of Mr. RIEGLE, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 1574, a bill to ensure proper and full implementation by the Department of Health and Human Services of Medicaid coverage for certain low-income Medicare beneficiaries.

SENATE JOINT RESOLUTION 8

At the request of Mr. BURDICK, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 8, a joint resolution to authorize the President to issue a proclamation designating each of the weeks beginning on November 24, 1991, and November 22, 1992, as "National Family Week."

SENATE JOINT RESOLUTION 18

At the request of Mr. SIMON, the name of the Senator from New Mexico

[Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget.

SENATE JOINT RESOLUTION 96

At the request of Mr. RIEGLE, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 96, a joint resolution to designate November 19, 1991, as "National Philanthropy Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. WARNER, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. JEFFORDS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Montana [Mr. BURNS], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate the week of July 27 through August 2, 1991, as "National Invent America! Week."

SENATE JOINT RESOLUTION 161

At the request of Mr. INOUYE, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 161, a joint resolution to authorize the Go for Broke National Veterans Association to establish a memorial to Japanese-American War Veterans in the District of Columbia or its environs, and for other purposes.

SENATE JOINT RESOLUTION 176

At the request of Mr. DIXON, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Joint Resolution 176, a joint resolution to designate March 19, 1992, as "National Women in Agriculture Day."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Washington [Mr. ADAMS] were added as cosponsors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE RESOLUTION 82

At the request of Mr. SMITH, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Resolution 82, a resolution to establish a Select Committee on POW/MIA Affairs.

SENATE RESOLUTION 146

At the request of Mr. PACKWOOD, his name was added as a cosponsor of Senate Resolution 146, a resolution expressing the sense of the Senate regarding the recent volcanic disaster in the Philippines.

SENATE RESOLUTION 150

At the request of Mr. MOYNIHAN, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Resolution 150, a resolution expressing the sense of the Senate urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner.

SENATE CONCURRENT RESOLUTION 56—RECOGNIZING AND COMMENDING MILITARY COLLEGES

Mr. THURMOND submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 56

Whereas the number of essential military colleges—institutions that the Department of Defense has recognized as constituting a special aspect of American higher education—has decreased from 11 institutions in 1914 to only 4 today: Norwich University, founded in 1819; Virginia Military Institute, established in 1839; The Citadel, The Military College of South Carolina, chartered in 1842; and North Georgia College, which opened in 1873;

Whereas the hallmark of these institutions has been their dedication to the principle of the citizen-soldier, and in this regard are joined in spirit and devotion by the Cadet Corps at Texas A&M University and Virginia Polytechnic Institute and State University;

Whereas citizen-soldiers are educated, trained, and inspired to become productive members of society in any calling, but are also prepared to serve their country in a military role during times of war or national peril; and

Whereas these citizen-soldiers have accepted as their duty an obligation to serve their country in every instance of war since the Mexican War, and have without fail or hesitation answered the call to arms—most recently with service in Southwest Asia as part of Operation Desert Storm: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and commends military colleges for the unique contributions they have made and continue to make, and urges citizens of the United States to embrace the principles to which these colleges are dedicated.

SENATE RESOLUTION 161—IN RECOGNITION OF FREE AND DEMOCRATIC ELECTIONS IN NEPAL

Mr. PELL submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 161

Whereas on May 12, 1991, Nepal held its first multiparty elections in 30 years;

Whereas international observers concluded that the elections were "generally conducted in a manner fair, free and open enabling the full expression of the will of the people;

Whereas the elections produced an electoral victory for the Nepali Congress Party;

Whereas Girija Prasad Koirala was appointed Prime Minister and sworn into office on May 29, 1991: Now, therefore, be it

Resolved, That the Senate of the United States——

(1) commends the Government and people of Nepal on the holding of free and fair elections and for the restoration of democracy;

(2) congratulates Girija Prasad Koirala on his election as Prime Minister of Nepal and wishes him a successful administration;

(3) expresses its appreciation to His Majesty King Birendra of Nepal and interim Prime Minister K.P. Bhattarai for their role in enabling the successful transition of democracy;

(4) commends Prime Minister Koirala for his stated commitment to combat hunger, disease and illiteracy in Nepal, to protect the rights of women, and to safeguard Nepal's environment;

(5) expresses its hope that the Government of Nepal will continue to uphold the rights of all religious minorities and to protect the fundamental human rights of all its citizens;

(6) expresses its strong support for Nepal's new democracy and affirms its willingness to assist the new government's efforts to address Nepal's economic, social and environmental problems.

Mr. PELL. Mr. President, on May 12 Nepal held its first multiparty elections in 30 years—the second South Asian country to join the community of democratic nations this year. International observers concluded that the elections were "generally conducted in a manner fair, free and open enabling the full expression of the will of the people." It is truly a great moment in the history of Nepal.

I am today introducing a resolution offering our well-deserved congratulations to the people of Nepal for the restoration of democracy; to the Nepali Congress Party for their electoral victory; and to Girija Prasad Koirala who was sworn in as Prime Minister on May 29. My resolution further commends Mr. Koirala for his stated commitment to combat hunger, disease, and illiteracy, to protect the rights of women and to safeguard Nepal's fragile environment.

Mr. President, Nepal is a country of extraordinary beauty, home to the highest mountains in the world. But even such unsurpassed beauty is enhanced and strengthened when it is seen through the eyes of democracy and freedom.

SENATE RESOLUTION 162—ESTABLISHING A SELECT COMMITTEE ON POW/MIA AFFAIRS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 162

Resolved,

SEC. 1. (a) (1) There is hereby established a select committee to be known as the Select Committee on POW/MIA Affairs (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fourteen members appointed as follows:

(A) two members from the Committee on Armed Services;

(B) two members from the Committee on Foreign Relations;

(C) two members from the Committee on Veterans' Affairs;

(D) two members from the Select Committee on Intelligence; and

(E) six members from the Senate.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate after consultation with their chairman and ranking minority member. Three of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(b) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(c) At the beginning of each Congress, the Members of the select committee shall elect a chairman of the select committee and a vice chairman of the select committee; provided, however, that the chairman and vice chairman of the select committee shall not be from the same political party. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman.

SEC. 2. (a) There shall be referred to the select committee, concurrently with referral to any other committee of the Senate with jurisdiction, all messages, petitions, memorials, and other matters relating to United States personnel unaccounted for from military conflicts.

(b) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee of the Senate or as amending, limiting, or otherwise changing the authority of any standing committee of the Senate.

SEC. 3. The select committee may, for the purposes of accountability to the Senate, make such reports to the Senate with respect to matters within its jurisdiction as it shall deem advisable. Such select committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters deemed by the select committee to require the immediate attention of the Senate or such other committee or committees. In making such reports, the select committee shall proceed in a manner consistent with the requirements of national security.

SEC. 4. (a) For the purposes of this resolution, the select committee is authorized at its discretion (1) to make investigations into any matter within its jurisdiction, (2) to hold hearings, (3) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (4) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, and (5) to take depositions and other testimony.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman, or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing this subpena.

SEC. 5. No employee of the select committee or person engaged to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate and of such committee as to the security of such information during and after the period of his employment or relationship with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 6. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 7. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 8. Subparagraph (c) of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

"POW/MIA Affairs ..... 14."

SEC. 9. (a) The select committee shall make a final public report to the Senate on the results of its investigation and study conducted by such committee, together with its findings and any recommendations at the earliest practicable date, but not later than December 31, 1992:

(b) After submission of its final report, the select committee shall conclude its business and close out its affairs as expeditiously as practicable.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

LEAHY AMENDMENT NO. 917

Mr. LEAHY proposed an amendment to the reported amendment on page 48, line 14 of the bill (H.R. 2698) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1992, and for other purposes, as follows:

"On page 48, line 14, in the committee amendment, after the words "which are not permanent but are," strike all that follows and insert the following: "for thirty years or the maximum duration allowed under applicable State law; (2) cost-sharing assistance for the cost of carrying out the establishment of conservation measures and practices as provided for in approved wetland reserve program contracts; (3) other appropriate cost-share assistance for wetland protection; and (4) technical assistance: *Provided*, That this amount shall be transferred to the Commodity Credit Corporation for use in carrying out this program: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the program: *Provided further*, That none of the funds made available by this Act shall be used to enter in excess of 98,000 acres in fiscal year 1992 into the Wetlands Reserve Program provided for herein.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

SPECTER AMENDMENT NOS. 918 and 919

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel and strengths for such fiscal years for the Armed Forces, and for other purposes, as follows:

AMENDMENT NO. 918

On page 19, strike out lines 8 through 22, and insert in lieu thereof the following:

SEC. 113. AIRCRAFT CARRIER SERVICE LIFE EXTENSION OF THE U.S.S. JOHN F. KENNEDY.

Notwithstanding any other provision of law, no action shall be taken to transfer industrial activities on the aircraft carrier U.S.S. JOHN F. KENNEDY (CV-67), the U.S.S. FORRESTAL, and any other ship scheduled for availability at the Philadelphia Naval Shipyard prior to the 1991 base closure review process, from the Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, until there is a ruling of the United States District Court for the Eastern District of Pennsylvania that disposes of the petition for preliminary injunction in the case of *Specter v. Garrett*, Docket Number 91-CV-4322.

AMENDMENT NO. 919

On page 31, between lines 7 and 8, insert the following:

SEC. 124. LIMITATION ON OVERHAUL OF THE U.S.S. ENTERPRISE.

(a) LIMITATION.—All unobligated funds appropriated or otherwise made available for the Department of Defense may not be used for the overhaul of the U.S.S. ENTERPRISE (CVN-65) or for construction of new aircraft carriers until the Secretary of the Navy, the

Administrator of the Environmental Protection Agency, and the Chairman of the Nuclear Regulatory Commission have jointly certified to Congress that the Secretary, the Administrator, and the Commission have approved a comprehensive plan, which includes annual cost estimates for the next ten years, for the disposal of all nuclear waste of the nuclear-powered aircraft carriers of the Navy and that the plan names the specific sites for the disposal of such waste. An unclassified report detailing such plans shall be provided to the appropriate committees to accompany the notice of certification.

(b) REPORT ON HEALTH EFFECTS.—Not later than September 30, 1992, the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, shall transmit to Congress a report on the human health risks associated with overhaul work on nuclear-powered aircraft carriers.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

HATCH AMENDMENT NO. 920

Mr. HATCH proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 79, line 14, strike after the number $704,734,000, "of which $167,630,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress".

BURDICK (AND OTHERS) AMENDMENT NO. 921

Mr. BURDICK (for himself, Mr. COCHRAN, Mr. KASTEN, Mr. BOND, Mr. BUMPERS, and Mr. DURENBERGER) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 52, line 14, strike "$1,840,000,000" and all that follows through "loans" on page 52, line 16, and insert in lieu thereof: "$1,922,140,000, of which $1,000,000,000 shall be for unsubsidized guaranteed loans and $182,140,000 shall be for subsidized guaranteed loans".

On page 53, line 4, strike "guaranteed loans" and insert in lieu thereof: "unsubsidized guaranteed loans and $15,350,000 shall be for subsidized guaranteed loans".

On page 52, line 22, before the "." insert: ": *Provided*, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1992".

WIRTH AMENDMENT NOS. 922 AND 923

Mr. WIRTH proposed two amendments to the bill H.R. 2698, supra, as follows:

AMENDMENT NO. 922

On page 15, line 10, strike "$61,978,000" and insert in lieu thereof "$63,978,000"'

On page 15, line 12, strike the semicolon ";" insert a comma "," and the following new text: "of which $2,000,000 shall be available for global change research for the monitoring of ultraviolet radiation"; and

On line 12, strike "$102,000,000" and insert in lieu thereof: "$100,000,000."

AMENDMENT NO. 923

Paragraph 11, line 14, after "629,143,000" insert: "of which $750,000 is available for the Center for Russian wheat aphid research at Colorado State University".

HARKIN AMENDMENT NO. 924

Mr. BURDICK (for Mr. HARKIN) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 44, line 23, strike "$3,500,000" and insert in lieu thereof "$10,000,000".

HELMS AMENDMENT NO. 925

Mr. COCHRAN (for Mr. HELMS) proposed an amendment to the bill H.R. 2698, supra, as follows:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act shall be used to issue a final regulation to carry out section 214 of Public Law 98-180.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

SPECTER AMENDMENT NO. 926

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1507, supra, as follows:

At the appropriate place insert the following:

On page 19, strike out lines 8 through 22, and insert in lieu thereof the following:

"SEC. 113. AIRCRAFT CARRIER SERVICE LIFE EXTENSION PROGRAM.

(a) TRANSFER OF UNOBLIGATED FISCAL YEAR 1990 FUNDS.—Notwithstanding any other provision of law, the Secretary of the Navy shall transfer from any unobligated funds appropriated for the Navy for fiscal year 1990 for shipbuilding and conversion that remain available for obligation, $405,000,000 for shipbuilding and conversion in connection with the sealift program established pursuant to section 102(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 7291 note). Funds transferred pursuant to this subsection shall remain available until September 30, 1997.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATION, FISCAL YEAR 1992

SANFORD (AND HELMS) AMENDMENT NO. 927

Mr. SANFORD (for himself and Mr. HELMS) proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 30, line 11, strike "$720,436,000" and insert in lieu thereof "$707,936,000"; and

On page 17, line 21, strike "$60,769,000" and insert in lieu thereof "$73,269,000".

SIMPSON AMENDMENT NO. 928

Mr. SIMPSON proposed an amendment to the bill H.R. 2698, supra, as follows:

On page 61, line 10, strike "$622,050,000" and insert "$504,235,000".

On page 61, line 12, strike "$239,250,000" and insert "$193,765,000".

On page 62, strike lines 1-4.

On page 62, line 10, strike "$157,609,000" and insert "$127,866,000".

On page 62, line 11, after "$14,152,000,", insert the following: "and cost of the other loan guarantees, $105,000".

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION ACT, FISCAL YEAR 1992

HOLLINGS (AND RUDMAN) AMENDMENT NOS. 929 AND 930

Mr. HOLLINGS (for himself, and Mr. RUDMAN) proposed two amendments to the bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1992, and for other purposes, as follows:

AMENDMENT NO. 929

On page 34, line 18, "that" is amended to read "That".

On page 77, line 10, strike "further".

On page 90, line 4, in-between the head "Radio Construction", and "For" insert

"(INCLUDING TRANSFER OF FUNDS)".

On page 98, line 24, "commericalization" is amended to read "commercialization".

On page 65, line 17 strike "payments to" and insert "the".

On page 65, line 18 strike "academies" and insert "academy programs".

On page 65, line 19 strike "grants" and insert "payments".

On page 49, line 4 strike the word "natural".

AMENDMENT NO. 930

On page 19, line 18, strike "$959,517,000" and insert "$950,817,000".

On page 6, line 4, strike "$112,642,000" and insert "$114,142,000".

On page 40, line 9, after the semicolon insert: "grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements or memoranda of understanding;".

On page 40, line 11, strike "$1,544,569,000" and insert "$1,550,769,000".

On page 49, line 20, strike "$4,437,000" and insert "$4,937,000".

On page 68, after line 22, insert:

"COMMISSION ON LEGAL IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Legal Immigration Reform as authorized by Section 141 of Public Law 101-649, $500,000, to be available until expended."

On page 90, line 2, strike the period at the end of the line and insert: ": *Provided*, That interest and earnings in the Fund shall be made available to the Eisenhower Exchange Fellowships, Incorporated, pursuant to 20 U.S.C. 5203(a).".

HOLLINGS (AND OTHERS) AMENDMENT NO. 931

Mr. HOLLINGS (for himself, Mr. REID, and Mr. HEFLIN) proposed an

amendment to the bill H.R. 2608, supra, as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $1,000,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to the National Judicial College to provide judicial education and training to State trial judges with limited and general jurisdiction in the area of illegal drug and violent criminal offenses".

HOLLINGS (AND OTHERS) AMENDMENT NO. 932

Mr. HOLLINGS (for himself, Mr. KENNEDY, and Mr. SIMPSON) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 20, line 7, under the heading Immigration and Naturalization Service, insert before the period the following new proviso: ": *Provided further*, That, until April 1, 1992, none of the funds appropriated by this Act shall be used to enforce section 214(g)(1)(C)) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) or sections 207(a) or 207(b) of the Immigration Act of 1990 (Public Law 101-649), and that until such date aliens seeking admission as artists, athletes, entertainers or fashion models (or for the purpose of accompanying or assisting in an artistic or athletic performance or as the spouse or child of such a nonimmigrant) shall be admitted by the Attorney General under the terms of section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (H)(1)(b)) as in effect on September 30, 1991.".

HOLLINGS (AND OTHERS) AMENDMENT NO. 933

Mr. HOLLINGS (for himself, Mr. THURMOND, Mr. MCCAIN, Mr. AKAKA, and Mr. DECONCINI) proposed an amendment to the bill H.R. 2608, supra, as follows:

At the appropriate place, insert the following:

SEC. . The decennial census of population of 1990 shall be adjusted to reflect the changes recommended on June 21, 1991, by the Post Enumeration Commission and the Director of the Census.

HOLLINGS AMENDMENT NO. 934

Mr. HOLLINGS proposed an amendment to amendment No. 933 proposed by him to the bill H.R. 2608, supra, as follows:

Amend the pending amendment by inserting the following after the word "CENSUS" on line 4, ", except that such adjustment shall not apply to political reapportionment".

KOHL AMENDMENT NO. 935

Mr. KOHL proposed an amendment to amendment No. 933 proposed by Mr. HOLLINGS (and Mr. THURMOND), and subsequently amended, to the bill H.R. 2608, supra, as follows:

Strike all after "SEC." and insert:

The Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, shall report to the Senate on the use of the Post-Enumeration Survey of the 1970 Census for purposes other than political apportionment and shall recommend such changes as necessary. Such report shall be made after consultation with the Secretary of Commerce and shall be made by February 1, 1992.

D'AMATO (AND OTHERS) AMENDMENT NO. 936

Mr. HATFIELD (for Mr. D'AMATO, for himself, Mr. RUDMAN, and Mr. KASTEN) proposed an amendment to the bill H.R. 2608, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. .

Findings:

(1) The report accompanying H.R. 5021, the fiscal year 1991 appropriations bill for the Departments of Commerce, Justice, State and Judiciary and related agencies, included language regarding the Bureau of Prisons' proposed construction of a Metropolitan Detention Center (MDC) on 29th Street and Third Avenue in the Sunset Park Community of Brooklyn, New York; and

(2) The Senate report urged the Bureau of Prisons to "work closely with the city of New York, other relevant government jurisdictions, and local community groups in locating a site that is consistent with local land use policies and long-range plans while also meeting operating requirements of the Federal criminal justice system."; and

(3) The report also stated that the committee "believes that plans for developing the detention facility should not go forward until an agreement is reached with State and local government officials."; and

(4) No such agreement has been reached.

Therefore, it is the sense of the Senate that the Bureau of Prisons should not proceed with construction of the Brooklyn MDC until it has ascertained that all efforts to reach agreement with State and local government officials have been exhausted, and that the proposed site continues to be the only viable location for a detention center.

DOLE AMENDMENT NO. 937

Mr. HATFIELD (for Mr. DOLE) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 3, line 23, after the word "petitions" insert the following: ": *Provided further*, That, $150,000 of the funds made available in fiscal year 1992 under subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, shall only be available for a grant to Project Freedom in Wichita, KS for its Drug Affected Babies Prevention Initiative".

HELMS AMENDMENT NO. 938

Mr. HELMS proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 39, line 15, insert after the word "law" a comma and the following: "no person incarcerated in a federal or state penal institution shall receive any funds appropriated to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 and, notwithstanding any other provision of law".

HELMS AMENDMENT NO. 939

Mr. HELMS proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 9, line 5, insert after the word "expenses" a semicolon and the following:

"SEC. . (a) Notwithstanding any other provision of law, a State shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations, or has enacted legislation, to protect licensed health care professionals from contracting the human immunodeficiency virus and the hepatitis B virus during the performance of exposure prone invasive procedures.

(b) The regulations or legislation referred to in subsection (a) shall permit licensed health care professionals to require that, prior to the commencement of or during the conduct of an exposure prone invasive procedure, a patient may be tested for the etiologic agent for the human immunodeficiency virus. Such regulations or legislation shall not apply in emergency situations when the patient's life is in danger.

(c)(1) The result of tests conducted under subsection (b) shall be confidential and shall not be released to any other party without the prior written consent of the patient.

(2) The regulations or legislation referred to in subsection (a) shall contain enforcement provisions that subject an individual who violates the provisions of paragraph (c)(1) to a $10,000 fine or a prison term of not more than one year for each such violation.

(d) Except as provided in subsection (e), if a State does not provide the certification required under subsection (a) within the 1-year period described in such subsection, such State shall be ineligible to receive assistance under the Public Health service Act (42 U.S.C. 301 et seq.) until such certification is provided.

(e) The Secretary of Health and Human Services shall extend the time period described in subsection (a) for a State, if—

(1) the State has determined not to promulgate regulations to adopt the guidelines referred to in subsection (a); and

(2) the State legislature of such State meets on a biennial basis and has not met within the 1-year period beginning on the date of enactment of this Act.

(f) As used in this section, the term "exposure prone invasive procedure" means such procedures as listed in guidelines promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission by health care professionals, of the human immunodeficiency virus and the hepatitis B virus to patients during exposure prone invasive procedures."

GRAHAM (AND MACK) AMENDMENTS NOS. 940 THROUGH 942

Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill H.R. 2608, supra, as follows:

AMENDMENT NO. 940

At the end of the bill, add the following new section:

SEC. . REGULATIONS REQUIRED.

(a) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(1) of the Immigration and Nationality Act, including a delineation of (1) scenarios that constitute an immigration emergency, (2) the process by which the President declares an immigration emergency, (3) the role of the Governor and local officials in requesting a declaration of emergency, (4) a definition of "assistance as required by the Attorney General", and (5) the process by which States and localities are to be reimbursed.

(b) The Attorney General shall prescribe regulations under title 5, United States Code, to carry out section 404(b)(2) of such Act, including providing a definition of the terms in section 404(b)(2)(ii) and a delineation of "in any other circumstances" in section 404(b)(2)(iii) of such Act.

(c) The regulations under this section shall be published for comment not later than 30 days after the date of enactment of this Act and issued in final form not later than 15 days after the end of the comment period.

AMENDMENT NO. 941

On page 99, between lines 7 and 8, insert the following new section:

SEC. . TRACKING SYSTEM FOR "I-94" FORMS.

(a) TRACKING SYSTEM.—The Attorney General shall develop a tracking system for the Department of Justice form designated "I-94" or any other successor form that specifies the date to which an alien is admitted to the United States.

(b) REPORT.—Not later than 45 days after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall submit to the Congress a report on the progress made in carrying out this section and a statistical report on visitors overstaying their visas.

AMENDMENT NO. 942

At the end of the bill, add the following new section:

SEC. . TIMELY PAROLE OF CERTAIN ALIENS DETAINED AT THE KROME PROCESSING CENTER, FLORIDA.

Not later than 90 days after an alien begins detention at the Krome Processing Center, Florida, the Attorney General shall exercise his authority under section 212(d)(5) of the Immigration and Nationality Act (relating to parole) to release such alien from detention if such alien (1) is determined to have family ties in the community; (2) is not considered to be a danger to the community; (3) is likely to participate in the resolution of his immigration claims; and (4) has posted a reasonable bond.

MITCHELL (AND OTHERS) AMENDMENT NO. 943

Mr. HOLLINGS (for Mr. MITCHELL, for himself, Mr. BOREN, and Mr. BRADLEY) proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 75, line 19, strike "(Including Transfer of Funds)"

On page 76, line 18, strike "; and in addition $8,000,000 shall be derived by transfer from "Acquisition and Maintenance of Buildings Abroad".

On page 89, line 2, in between the head "Educational and Cultural Exchange Programs" and "For" insert

"(INCLUDING TRANSFER OF FUNDS)".

On page 89, line 20, before the period insert the following: "; and in addition $13,000,000 shall be derived by transfer from Department of State, Administration of Foreign Affairs, "Acquisition and Maintenance of Buildings Abroad" to remain available until expended of which $7,000,000 shall only be available for support of the U.S.-Soviet Exchange Program and of which $4,000,000 shall only be available for the Educational Exchanges Enhancement Act of 1991 and of which $2,000,000 shall be available only for the Federal Endowment for High School Student Exchanges and Democracy.

GRAMM AMENDMENT NO. 944

Mr. GRAMM proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 71, strike line 2 and insert the following: "for special contingency funds, and of which $48,410,000 shall be transferred to the Department of Justice and made available to the Federal Bureau of Investigation (which amount shall be in addition to other sums appropriated to the Department of Justice and made available to the Federal Bureau of Investigation by this Act), and the Board of Directors of the Legal Services Corporation shall reduce the foregoing allocations as the Board considers to be appropriate.".

UNEMPLOYMENT COMPENSATION EXTENSION ACT

KASTEN AMENDMENT NO. 945

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

At the end of the bill add the following new section

SEC. . SENSE OF THE SENATE WITH RESPECT TO PLANT OPENING AND JOB CREATION INCENTIVES.

(a) FINDINGS.—The Senate finds that—

(1) Expanding unemployment benefits does nothing to prevent and reduce unemployment—it simply treats the symptoms instead of curing the underlying disease of anemic economic growth and lingering joblessness;

(2) The only real cure for unemployment is rapid economic growth which creates well-paying, private-sector jobs;

(3) Low-tax, incentive-based economic policies to promote work, investment, saving, and entrepreneurship caused the economic expansion of the 1980s which created 20 million new jobs and raised real middle American family income by 12 percent;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should immediately adopt legislation that promotes plant openings, economic growth, and job creation, and that such legislation include the following incentives for work, saving, and investment:

(1) reduction in the tax on capital gains to 15 percent for both individuals and businesses, and indexation of the basis for inflation to provide new incentives for investment in job-creating small business ventures, and to eliminate the unfair taxation of phantom gains;

(2) permanent extension of the tax exclusion from gross income of the amounts paid for employee educational assistance to increase job opportunities for workers, and promote job advancement through training and education;

(3) establishment of enterprise zones with Federal tax incentives to promote small business investment and job creation in the Nation's economically distressed rural and urban areas; and

(4) elimination of the Social Security earnings limitation which would give America's senior citizens more freedom to work and produce.

COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

SEYMOUR AMENDMENT NO. 946

Mr. SEYMOUR proposed an amendment to the bill H.R. 2608, supra, as follows:

On page 99, between lines 7 and 8, insert the following:

SEC. . (a) Except with respect to budget authority provided by titles III and V and lines 1-6 of title I of this Act, each amount of budget authority for the fiscal year ending September 30, 1992, provided in this Act for expenses under the heading "salaries and expenses", other than payments required by law, is hereby reduced by a percentage such that the total reduction equals $40,000,000. *Provided*, That such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act.

(b) In addition to amounts otherwise appropriated or made available by this Act to the Border Patrol program under title I of this Act, an amount equal to the aggregate of the reductions under subsection (a) of this section is hereby made available to the Border Patrol program as follows: 75 percent of such amount shall be available for personnel for use in connection with the southwest border of the United States, and 25 percent of such amount shall be available for vehicles and equipment for use in connection with such southwest border.

SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT AUTHORIZATION

KENNEDY AMENDMENT NO. 947

Mr. HOLLINGS (for Mr. KENNEDY) proposed an amendment to the bill (H.R. 2313) to amend the School Dropout Demonstration Assistance Act of 1988 to extend authorization of appropriations through fiscal year 1993, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

TITLE I—AMENDMENTS TO SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT OF 1988

SEC. 101. SHORT TITLE.

This title may be cited as the "National Dropout Prevention Act of 1991".

SEC. 102. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 6003(a) of the School Dropout Demonstration Assistance Act of 1988 (hereafter in this title referred to as the "Act") (20 U.S.C. 3243(a)) is amended to read as follows:

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated for the purposes of this part $50,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 103. GRANTS TO LOCAL EDUCATIONAL AGENCIES.

(a) AMENDMENTS.—Section 6004 of the Act (20 U.S.C. 3244) is amended—

(1) in subsection (a), by striking "$1,500,000" and inserting "$2,000,000";

(2) in subsection (c), by inserting after "value as a demonstration." the following:

"Any local educational agency, educational partnership, or community-based organization that has received a grant under this Act shall be eligible for additional funds subject to the requirements under this Act."; and

(3) in subparagraph (B) of subsection (f)(1), by striking "for the second such year" and inserting "in each succeeding fiscal year".

(b) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1992.

SEC. 104. DROPOUT PREVENTION.

Section 6005 of the Act (20 U.S.C. 3245) is amended by adding at the end thereof the following new subsection:

"(e) GRANTS FOR NEW GRANTEES.—In awarding grants under this part in fiscal year 1992 and each fiscal year thereafter to applicants who did not receive a grant under this part in fiscal year 1991, the Secretary shall utilize only those priorities and special considerations described in subsections (c) and (d).".

SEC. 105. AUTHORIZED ACTIVITIES.

Section 6006(b) of the Act (20 U.S.C. 3246(b)) is amended—

(1) in paragraph (8), by striking "and"; and

(2) by striking paragraph (9) and inserting the following new paragraphs:

"(9) mentoring programs; and

"(10) any other activity described in subsection (a).".

SEC. 106. REPORTS.

The Act (20 U.S.C. 3241 et seq.) is further amended by adding at the end the following new section:

"SEC. 6008. REPORTS.

"(a) ANNUAL REPORTS.—The Secretary shall submit to the Congress a report by January 1 of each year, beginning on January 1, 1993, which sets forth the progress of the Commissioner of Education Statistics, established under section 406(a) of the General Education Provisions Act, to implement a definition and data collection process for school dropouts in elementary and secondary schools, including statistical information for the number and percentage of elementary and secondary school students by race and ethnic origin who drop out of school each year including dropouts—

"(1) throughout the Nation by rural and urban location as defined by the Secretary; and

"(2) in each of the individual States and the District of Columbia.

"(b) RECOMMENDATIONS.—The report under subsection (a) shall also contain recommendations on ways in which the Federal Government, States and localities can further support the implementation of an effective methodology to accurately measure dropout and retention rates on the national, State, and local levels.".

TITLE II—DEPARTMENT OF EDUCATION TECHNICAL AMENDMENTS

SEC. 201. ESTABLISHMENT OF POSITION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) There may be in the Department an Under Secretary of Education who shall perform such functions as the Secretary may prescribe. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.".

SEC. 202. COMPENSATION.

Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Under Secretary of Education".

SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect on the first day of the first Department of Education pay period that begins on or after the date of enactment of this Act.

(b) SPECIAL RULE.—An incumbent in a position within the Department of Education on the day preceding the day that this Act takes effect who has been appointed by the President to a position within the Department of Education with the advice and consent of the Senate may serve as the Under Secretary at the pleasure of the President after the day preceding the day that this Act takes effect.

TITLE III—MISCELLANEOUS PROVISIONS

PART A—STAR SCHOOLS

SEC. 301. STATEMENT OF PURPOSE.

Section 902 of the Star Schools Program Assistance Act (hereafter in this title referred to as the "Act") (20 U.S.C. 4081) is amended—

(1) by striking "vocational education" and inserting "literacy skills and vocational education and to serve underserved populations including the disadvantaged, illiterate, limited-English proficient, and disabled";

(2) by striking "demonstration"; and

(3) by inserting "to" before "obtain".

SEC. 302. PROGRAM AUTHORIZED.

Section 903 of the Act (20 U.S.C. 4082) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "The Secretary"; and

(B) by inserting at the end thereof the following new paragraphs:

"(2) The Secretary shall award grants pursuant to paragraph (1) for a period of 2 years.

"(3) Grants awarded pursuant to paragraph (1) may be awarded for an additional 2-year period in accordance with section 907.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "$100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992" and inserting "$50,000,000 for fiscal year 1992 and such sums as may be necessary in fiscal year 1993";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "(A)";

(II) by striking "demonstration"; and

(III) by inserting "in any one fiscal year" after "$10,000,000"; and

(ii) by striking subparagraph (B); and

(B) in paragraph (2)—

(i) by inserting "(A)" after "(2)";

(ii) by inserting "to the Secretary" after "available"; and

(iii) by inserting at the end thereof the following new subparagraph:

"(B) Not less than 25 percent of the funds available to the Secretary in any fiscal year under this title shall be used for telecommunications facilities and equipment."; and

(4) by inserting at the end thereof the following new subsection:

"(e) COORDINATION.—The Department of Education, the National Science Foundation, the Department of Agriculture, and any other Federal agency operating a telecommunications network for educational purposes shall coordinate the activities assisted under such programs.".

SEC. 303. ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS.

Subsection (a) of section 904 of the Act (20 U.S.C. 4083(a)) is amended—

(1) in the matter preceding paragraph (1) by striking "demonstration";

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ", or a State higher education agency";

(B) in subparagraph (C), by inserting "or a State higher education agency" after "education";

(C) in subparagraph (D)—

(i) in the matter preceding clause (i), by inserting "or academy" after "center"; and

(ii) by striking "or" at the end of clause (ii); and

(D) in subparagraph (E)—

(i) by amending clause (i) to read as follows:

"(i) a public or private entity with experience and expertise in the planning and operation of a telecommunications network, including entities involved in telecommunications through satellite, cable, telephone, or computer; or";

(ii) by striking clause (ii);

(iii) by redesignating clause (iii) as clause (ii); and

(iv) by striking the period at the end of clause (ii) (as redesignated by clause (iii)) and inserting a comma and "or"; and

(F) by inserting at the end thereof the following new subparagraph:

"(F) a public or private elementary or secondary school."; and

(3) by adding at the end thereof the following new subsection:

"(c) SPECIAL STATEWIDE NETWORK.—

"(1) IN GENERAL.—The Secretary may fund one statewide telecommunications network under this title if such network—

"(A) provides two-way full motion interactive video and audio communications;

"(B) links together public colleges and universities and secondary schools throughout the State; and

"(C) meets any other requirements determined appropriate by the Secretary.

"(2) STATE CONTRIBUTION.—A statewide telecommunications network funded under paragraph (1) shall contribute (either directly or through private contributions) non-Federal funds equal to not less than 50 percent of the cost of such network.".

SEC. 304. APPLICATIONS.

Section 905 of the Act (20 U.S.C. 4084) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting ", or any combination thereof" after "equipment"; and

(ii) in subparagraph (G) by—

(I) striking "elementary and secondary school teachers (particularly teachers in schools receiving assistance under chapter 1 of title I of the Elementary and Secondary Education Act of 1965) in" and inserting "instructors who will be"; and

(II) inserting "in using such facilities and equipment, and in integrating programs into the class curriculum" after "sought";

(B) in paragraph (2)—

(i) by striking "describe,";

(ii) by inserting "describe" after "instructional programming,"; and

(iii) by inserting "and provide assurances that such programming will be designed in consultation with professionals who are experts in the applicable subject matter and grade level" after "training";

(C) in paragraph (3), by inserting "(in accordance with section 907)" after "languages,";

(D) in paragraph (4)—
(i) by striking "teacher"; and
(ii) by inserting "for teachers and other school personnel" after "policies";
(E) in paragraph (6)—
(i) by striking "the facilities" and inserting "any facilities";
(ii) by striking "will be made available to" and inserting "for"; and
(iii) by inserting "will be made available to schools" after "schools";
(F) in paragraph (7)—
(i) by inserting "(such as students who are disadvantaged, limited-English proficient, disabled, or illiterate)" after "students"; and
(ii) in paragraph (7), by inserting "and will use existing telecommunications equipment, where available" before the semicolon at the end thereof;
(G) by striking "and" at the end of paragraph (8);
(H) by redesignating paragraph (9) as paragraph (10); and
(I) by inserting after paragraph (8) the following new paragraph:
"(9) describe the activities or services for which assistance is sought, including activities and services such as—
"(A) providing facilities, equipment, training, services, and technical assistance described in paragraphs (1), (2), (4) and (7);
"(B) making programs accessible to individuals with disabilities through mechanisms such as closed captioning and descriptive video services;
"(C) linking networks together, for example, around an issue of national importance such as elections;
"(D) sharing curriculum materials between networks;
"(E) providing teacher and student support services;
"(F) incorporating community resources such as libraries and museums into instructional programs;
"(G) providing teacher training to early childhood development and Head Start teachers and staff;
"(H) providing teacher training to vocational education teachers and staff; and
"(I) providing programs for adults at times other than the regular school day in order to maximize the use of telecommunications facilities and equipment.";
(2) in subsection (c)—
(A) in paragraph (3)—
(i) by striking "public and private" and inserting ", in the case of elementary and secondary schools, those";
(ii) striking "(particularly schools"; and
(iii) striking "1965)" and inserting "1965";
(B) by striking "and" at the end of paragraph (6);
(C) by redesignating paragraph (7) as paragraph (9);
(D) by redesignating paragraph (6) as paragraph (7);
(E) by inserting after paragraph (5) the following new paragraph:
"(6) the eligible telecommunications partnership will—
"(A) provide a comprehensive range of courses for educators with different skill levels to teach instructional strategies for students with different skill levels;
"(B) provide training to participating educators in ways to integrate telecommunications courses into the existing school curriculum; and
"(C) include instruction for students, teachers, and parents;"; and
(F) by inserting after paragraph (7) (as redesignated by subparagraph (D)) the following new paragraph:
"(8) a telecommunications entity (such as a satellite, cable, telephone, computer, or public or private television station) will participate in the partnership and will donate equipment or in-kind services for telecommunications linkages; and".

SEC. 305. CONTINUING ELIGIBILITY.

The Act (20 U.S.C. 4081 et seq.) is amended—
(1) by redesignating section 907 as section 911; and
(2) by inserting after section 906 the following new sections:

"CONTINUING ELIGIBILITY

"SEC. 907. (a) IN GENERAL.—In order to be eligible to receive an additional grant under section 903(a)(3) in any fiscal year, an eligible telecommunications partnership shall demonstrate in the application submitted pursuant to section 905 that such partnership will—
"(1) continue to provide services in the subject areas and geographic areas assisted with funds received under this title in previous fiscal years; and
"(2) use all such grant funds to provide expanded services by—
"(A) increasing the number of students, schools or school districts served by the courses of instruction assisted under this title in previous fiscal years;
"(B) providing new courses of instruction; or
"(C) serving new populations of underserved individuals, such as children or adults who are disadvantaged, have limited-English proficiency, are disabled, are illiterate, lack high school diplomas or their equivalent.
"(b) SPECIAL RULES.—Grant funds received pursuant to the application of subsection (a) shall be used to supplement and not supplant services provided by the recipient under this title in previous fiscal years.

"EVALUATION

"SEC. 908. (a) IN GENERAL.—From amounts appropriated pursuant to the authority of section 903(b), the Secretary shall reserve the greater of not more than $500,000 or 5 percent of such appropriations to conduct an independent evaluation by grant, contract or cooperative agreement, of the Star Schools Assistance Program.
"(b) REPORT.—The Secretary shall prepare and submit an interim report on the evaluation described in subsection (a) not later than January 1, 1993 and shall prepare and submit a final report on such evaluation not later than June 1, 1995.
"(c) EVALUATION.—Such evaluation shall include—
"(1) a review of the effectiveness of telecommunications partnerships and programs after Federal funding ceases;
"(2) an analysis of non-Federal funding sources, including funds leveraged by Star Schools funds and the permanency of such funding;
"(3) an analysis of how Star Schools grantees spend funds appropriated under this Act;
"(4) a review of the subject matter, content effectiveness, and success of distance learning through Star Schools program funds, including an in-depth study of student learning outcomes as measured against stated course objectives of distance learning courses offered by Star Schools grantees;
"(5) a comprehensive review of in-service teacher training programs through Star Schools programming, including the number of teachers trained, time spent in training programs, and a comparison of the effectiveness of such training and conventional teacher training programs;
"(6) an analysis of Star School projects that focus on teacher certification and other requirements and the resulting effect on the delivery of instructional programming;
"(7) the effects of distance learning on curricula and staffing patterns at participating schools;
"(8) the number of students participating in the Star Schools program and an analysis of the socioeconomic characteristics of students participating in Star Schools programs, including a review of the differences and effectiveness of programming and services provided to economically and educationally disadvantaged and minority students;
"(9) an analysis of the socioeconomic and geographic characteristics of schools participating in Star Schools projects, including a review of the variety of programming provided to different schools; and
"(10) the impact of dissemination grants under section 910 on the use of technology-based programs in local educational agencies.

"FEDERAL ACTIVITIES

"SEC. 909. The Secretary may assist grant recipients under this title in acquiring satellite time, where appropriate, as economically as possible.

"DISSEMINATION GRANTS

"SEC. 910. (a) IN GENERAL.—The Secretary shall make grants under this section to telecommunications partnerships funded by the Star Schools Program and to other eligible entities to enable such partnerships and entities to provide dissemination and technical assistance to State and local educational agencies not presently served by telecommunication partnerships.
"(b) SPECIAL RULE.—The Secretary shall make grants under this section in any fiscal year in which the amount appropriated for this title exceeds the amount appropriated for this title in fiscal year 1991 by not less than 10 percent.
"(c) RESERVATION.—In any fiscal year in which the Secretary awards grants under this section in accordance with subsection (b), the Secretary shall reserve not less than 5 percent but not more than 10 percent of the amount appropriated under this title for such fiscal year to award such grants.
"(d) APPLICATIONS.—
"(1) IN GENERAL.—Each telecommunications partnership and other eligible entity that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.
"(2) CONTENTS.—Each application described in paragraph (2) shall contain assurances that the telecommunications partnership or other eligible entity shall provide technical assistance to State and local educational agencies to plan and implement technology-based systems, including—
"(A) information regarding successful distance learning resources for States, local educational agencies, and schools;
"(B) assistance in connecting users of distance learning, regional educational service centers, colleges and universities, the private sector, and other relevant entities;
"(C) assistance and advice in the design and implementation of systems to include needs assessments and technology design; and
"(D) support for the identification of possible connections, and cost-sharing arrangements for users of such systems.
"(e) DEFINITION.—For purposes of this section, the term 'eligible entity' means a fed-

erally funded program or an institution of higher education that has demonstrated expertise in educational applications of technology and provides comprehensive technical assistance to educators and policy makers at the local level.".

PART B—TECHNICAL AND MISCELLANEOUS PROVISIONS

SEC. 311. CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) CORRECTIONS EDUCATION.—Subsection (c) of section 102 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312) is amended—

(1) in paragraph (1), by—

(A) striking "paragraph (2)" and inserting "paragraph (3)";

(B) inserting "and" before "the sex equity"; and

(C) striking "and the program for criminal offenders under section 225,";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting the following new paragraph after paragraph (1):

"(2) Except as provided in paragraph (3) and notwithstanding the provisions of subsection (a), each State shall reserve for the program for criminal offenders under section 225, an amount that is not less than the amount such State expended under this Act for such program for the fiscal year 1990.".

(b) INDIAN AND NATIVE HAWAIIAN PROGRAMS.—Paragraph (1) of section 103(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2313(b)(1)) is amended by inserting at the end thereof the following new subparagraph:

"(D)(i) Funds received pursuant to grants and contracts described in subparagraph (A) may be used to provide stipends to students who are enrolled in vocational education programs and who have acute economic needs which cannot be met through work-study programs.

"(ii) Stipends described in clause (i) shall not exceed reasonable amounts as prescribed by the Secretary.".

SEC. 312. THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subsection (c) of section 1221 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2791(c)) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of determining the amount of a grant under this subsection for which a State educational agency is eligible from funds appropriated for the program assisted under this subpart for each fiscal year beginning after October 1, 1990, the Secretary shall allow intermediate school districts to count children with disabilities in the same manner as such children were counted in determining such amount in fiscal year 1990, regardless of whether such children receive services directly from the intermediate school district.".

SEC. 313. NATIONAL LITERACY ACT AMENDMENTS.

Section 601 of the National Literacy Act of 1991 is amended to read as follows:

"SEC. 601. FUNCTIONAL LITERACY AND LIFE SKILLS PROGRAMS FOR STATE AND LOCAL PRISONERS.

"(a) ESTABLISHMENT.—The Secretary is authorized to make grants to eligible entities to assist such entities in establishing, improving, and expanding a demonstration or system-wide functional literacy program.

"(b) PROGRAM REQUIREMENTS.—(1) To qualify for funding under subsection (d), each functional literacy program shall—

"(A) to the extent possible, make use of advanced technologies, such as interactive video- and computer-based adult literacy learning; and

"(B) include—

"(i) a requirement that each person incarcerated in the system, prison, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

"(I) achieves functional literacy, or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

"(II) is granted parole;

"(III) completes his or her sentence; or

"(IV) is released pursuant to court order; and

"(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

"(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the prison, jail, or detention center.

"(2) The requirement of paragraph (1)(B)(i) may not apply to a person who—

"(A) is serving a life sentence without possibility of parole;

"(B) is terminally ill; or

"(C) is under a sentence of death.

"(c) ANNUAL REPORT.—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection (a) is placed in operation, and annually for each of the 4 years thereafter, a grantee shall submit a report to the Secretary with respect to its literacy program.

"(2) A report under paragraph (1) shall disclose—

"(A) the number of persons who were tested for eligibility during the preceding year;

"(B) the number of persons who were eligible for the literacy program during the preceding year;

"(C) the number of persons who participated in the literacy program during the preceding year;

"(D) the names and types of tests that were used to determine functional literacy and the names and types of tests that were used to determine disabilities affecting functional literacy;

"(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

"(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

"(G) data on all direct and indirect costs of the program; and

"(H) information on progress toward meeting the program's goals.

"(d) COMPLIANCE GRANTS.—(1) The Secretary shall make grants to eligible entities that elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

"(2) An eligible entity may receive a grant under this subsection if the entity—

"(A) submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require;

"(B) agrees to provide the Secretary—

"(i) such data as the Secretary may request concerning the cost and feasibility of operating the functional literacy programs authorized by subsection (a), including the annual reports required by subsection (c); and

"(ii) a detailed plan outlining the methods by which the provisions of subsections (a) and (b) will be met, including specific goals and timetables.

"(e) LIFE SKILLS TRAINING GRANTS.—(1) The Secretary is authorized to make grants to eligible entities to assist them in establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration into society.

"(2) To receive a grant under this subsection, an eligible entity shall—

"(A) submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require; and

"(B) agree to report annually to the Secretary on the participation rate, cost, and effectiveness of the program and any other aspect of the program on which the Secretary may request information.

"(3) In awarding grants under this subsection, the Secretary shall give priority to programs that have the greatest potential for innovation, effectiveness, and replication in other systems, jails, and detention centers.

"(4) Grants awarded under this subsection shall be for a period not to exceed 3 years, except that the Secretary may establish a procedure for renewal of the grants under paragraph (1).

"(f) DEFINITIONS.—For the purposes of this section—

"(1) the term 'eligible entity' means a State correctional agency, a local correctional agency, a State correctional education agency, and a local correctional education agency;

"(2) the term 'functional literacy' means at least an eighth grade equivalence or a functional criterion score on a nationally recognized literacy assessment; and

"(3) the term 'life skills' includes self-development, communication skills, job and financial skills development, education, interpersonal and family relationship development, and stress and anger management.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section $10,000,000 for fiscal year 1992, $15,000,000 for fiscal year 1993, $20,000,000 for fiscal year 1994, and $25,000,000 for fiscal year 1995.".

SEC. 314. REAUTHORIZATION OF SCIENCE SCHOLARSHIP PROGRAMS.

(a) NATIONAL SCIENCE SCHOLARS PROGRAM.—Subsection (b) of section 601 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5381(b)) is amended by inserting ", $4,500,000 for fiscal year 1992 and $10,000,000 for fiscal year 1993" after "1991".

(b) NATIONAL ACADEMY OF SCIENCE, SPACE, AND TECHNOLOGY.—Subsection (o) of section 621 of the Excellence in Mathematics, Science and Engineering Act of 1990 (20 U.S.C. 5411(o)) is amended by striking "fiscal year 1991" and inserting "each of the fiscal years 1992 and 1993".

SEC. 315. TECHNICAL AMENDMENT.

Section 343(a)(2)(A) of the Tech-Prep Education Act (20 U.S.C. 2394a(a)(2)(A)) is amend-

ed by striking "subject to a default management plan required by the Secretary" and inserting "prohibited from receiving assistance under part B of the Higher Education Act of 1965 pursuant to the provisions of section 435(a)(3) of such Act".

TITLE IV—IMPACT AID

SEC. 401. ADJUSTMENT FOR CERTAIN DECREASES IN FEDERAL ACTIVITIES.

Section 3(e) of the Act of September 30, 1950 (Public Law 81-874) (hereafter in this title referred to as the "Act") (20 U.S.C. 238(e)) is amended—

(1) in the matter following subparagraph (C) of paragraph (1), by inserting "this subsection and" before "subsections (a) and (b)"; and

(2) in paragraph (2), by striking "section" and inserting "subsection".

SEC. 402. PAYMENT AMOUNTS.

Section 5 of the Act (20 U.S.C. 240) is amended:

(1) by amending paragraph (2) of subsection (b) to read as follows:

"(2) As soon as possible after the beginning of any fiscal year, the Secretary shall, on the basis of a written request for a preliminary payment from any local educational agency that was eligible for a payment for the preceding fiscal year on the basis of an entitlement established under section 2, make such a preliminary payment of 50 percent of the amount that such agency received for such preceding fiscal year on the basis of such entitlement."; and

(2) by amending subparagraph (D) of subsection (e)(1) to read as follows:

"(D) For any fiscal year after September 30, 1991, the Secretary is authorized to modify the per pupil amount described in subparagraph (A) of this paragraph, in any case in which, in the fiscal year for which the determination is made, a local educational agency is described under a different clause of section 5(c)(2)(A) than such agency was in fiscal year 1987.".

SEC. 403. SPECIAL PAYMENT RULES.

(a) PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.—Any local educational agency that received a payment for fiscal year 1987, 1988, 1989, or 1990 under section 3 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 238), the amount of which was incorrect because of a failure by the Secretary of Education to apply any of the limitations on per pupil payments or local contribution rates specified in Public Law 99-500, Public Law 99-591, and Public Law 100-202, and which such payment resulted in or would result in an overpayment, shall be entitled to the amount of such payment.

(b) FEDERAL CONTRIBUTIONS.—No portion of any payment received by a local educational agency for fiscal year 1988, 1989, or 1990 under section 2 of the Act of September 30, 1950 (Impact Aid) (20 U.S.C. 237) may be recovered on the ground that such payment was determined incorrectly by employing a formula using such agency's base revenue limit per average daily attendance.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Friday, August 2, 1991, at 10 a.m., in SR-301, to mark up Senate Resolution 82, to establish a Select Committee on POW/MIA Affairs.

For further information regarding this markup, please contact Mr. Jack Sousa, chief counsel of the Rules Committee, on 224-5648.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 30, 1991, at 10 a.m. to hold a hearing on enforcing rules of origin requirements under the United States-Canada Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., July 30, 1991, to receive testimony on S. 1187, legislation to amend the Stock Raising Homestead Act; and S. 1179, the Geologic Mapping Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on International Trade of the Committee on Finance be authorized to meet during the session of the Senate on July 30, 1991, at 2:45 p.m., to hold a hearing on S. 535, the Reforestation Trust Fund Act of 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 30, 1991, to receive testimony on S. 1351, the Department of Energy Science and Technology Partnership Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday July 30, 1991, at 10 a.m., to hold a hearing on the first amendment implications of Rust versus Sullivan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 30, 1991, at 2:30 p.m., to hold a hearing on commercial and credit issues in bankruptcy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, July 30, 1991 at 2 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, July 30, beginning at 9:30 a.m., to conduct a hearing to examine and evaluate recent developments concerning international negotiations on global climate change and stratospheric ozone depletion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, at 9:30 a.m., to hold an ambassadorial nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 30, at 3 p.m., to consider and vote on pending business items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 30, 1991, at 10 a.m., on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section

308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through July 26, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 22, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG, 1ST SESS. AS OF JULY 26, 1991

[In billions of dollars]

	Revised on-budget aggregates [1]	Current level [2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues:			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,468.3	−676.7
Off-budget:			
Social Security outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents that estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and 0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE, SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS JULY 26, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,919
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	(1)		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.●

NATIONAL INVENT AMERICA!

● Mr. CHAFEE. Mr. President, I would like to congratulate Glenn Olds, Jr., of East Greenwich, RI, for being named a regional winner in the Invent America! student invention competition. Glenn, who is 10 years old, now is competing in the national competition, which is being held in Washington this week.

Invent America! helps young people develop their creative and analytical thinking skills, which they will need to meet the challenges of today's highly complex and technological world. Since President Bush established this public-private partnership in 1987, millions of children in kindergarten through eighth grade have participated in State, regional, and national Invent America! competitions. National winners have gone on to receive highest honors at the Japanese Institute of Invention and Innovation World Competition.

This year, Glenn decided to attack an annoying problem: mosquitoes. After consulting with an entomologist at the University of Rhode Island, Glenn developed a model "Glenn's Gas Zapper." Glenn's invention emits gases that attract mosquitoes to an electrified wire mesh. According to Glenn, once the bugs land on the wire, electric current zaps them.

Later this week, Glenn and the other regional finalists will be treated to a well deserved ice cream social where the top nine student inventors will receive awards. Regardless of the outcome of the competition. Glenn and all the participants should be proud of their accomplishments, and it is a pleasure to take this opportunity to recognize their efforts.●

LAFFER CURVE IN REVERSE

● Mr. KASTEN. Mr. President, I would like to enter into the RECORD an article from the July 22, Wall Street Journal by Matthew Kibbe, Director of Federal budget policy at the U.S. Chamber of Commerce.

This article demonstrates clearly why the tax increases enacted last fall were a mistake. I opposed those new taxes because I felt they would deepen the recession and increase the size of the Federal budget deficit. As Mr. Kibbe points out in his article, this is precisely what happened.

Last fall's budget agreement was a disaster on all counts, it brought larger deficits, higher taxes, higher spending and longer unemployment lines.

It is my belief that spending restraint is the best means of balancing the Federal budget. This is why I have introduced a balanced budget/tax limitation amendment to the U.S. Constitution. I commend to my colleagues this fine article, and I call upon them to support spending restraint.

The article follows:

THE LAFFER CURVE IN REVERSE

(By Matthew B. Kibbe)

A dull-sounding document released last week by the Office of Management and Budget, the "Mid-Session Review of the Budget," has exposed assumptions behind the October budget deal as total nonsense. Remember? That was the deal by which the president and Congress agreed to impose major tax increases in an effort to eliminate the budget deficit. The tax increase was enacted in November.

But instead of the hoped-for surge of revenues, tax receipts are falling dramatically.

The fall in tax receipts, plus the costs of the savings & loan bailout and the Gulf War, have pushed the projected budget deficit for 1992 up by $67 billion, to $348 billion.

Official Washington is puzzled. "For some reason," the Washington Post observed, "less money flowed into government coffers than the budget called for. This unexpected and largely unexplained shift in the government's revenue base is the major reason that the deficit in future years runs about $70 billion higher than last winter's estimate."

In fact, the loss of revenue—or rather the loss of revenues that might have been expected had the deal not been made—is hardly inexplicable. Opponents of last year's tax rise predicted this very effect—higher taxes plus new regulatory burdens shrink the economy and thus the revenues that economy throws off.

Richard Darman, OMB director and the chief proponent of the budget deal, still denies the existence of the problem. "Putting Desert Storn and deposit insurance aside," he wrote in the Mid-Session Review, "the estimates in the president's budget have proven quite accurate on the whole."

In fact, 81% of the revenues expected from November's tax increases are failing to materialize. At the moment, it looks as if only $32 billion of what was supposed to be a $165 billion tax increase over the next five years will ever arrive. Even that $32 billion is questionable: If projected revenues are adjusted to account for the lower growth rates in the Blue Chip consensus economic forecast, the total package will actually end up yielding only $6 billion, or slightly more than $1 billion a year than they would have been had the deal not been made.

These new budget numbers are powerful empirical confirmation of the much-denigrated supply-side effect. Higher tax rates do not necessarily mean higher tax revenues. The opposite is often true.

Based on the administration's own estimates, it now seems that George Bush broke his "no new taxes" pledge for at best an average of $6 billion a year for the next five years. If there ever had been any doubt about it, it should be clear by now that the only way to reduce the federal budget deficit is through spending cuts and not through tax increases.

Mr. Darman is supposed to have another budget deal planned for after the 1992 election. Let's hope he's learning something from the fiasco of his last one.●

CONGRATULATIONS TO THE CITY OF IRVINE

● Mr. SEYMOUR. Mr. President, I stand in recognition of the city of Irvine, which will be recognized today at festivities in that city being held to celebrate its selection as the grand prize recipient in the Calling on America Community Leadership Award campaign.

The National Organization on Disability recently chose Irvine to receive this honor for its outstanding achievements in a variety of areas involving persons with disabilities.

James Brady, former press secretary to President Ronald Reagan and current vice chair of the organization, personally called to announce Irvine's selection as the one city in the entire United States most successful in its effort to serve the disabled community.

Irvine was selected for its achievement in the areas of community awareness, employment, education, and training, civil life, recreation, transportation, housing, and respite care.

President Franklin D. Roosevelt said, "In the field of world policy I would dedicate this Nation to the policy of the good neighbor." The good neighbors of the city of Irvine are working each day to make their community a better place for all its residents.

Please join me in extending the congratulations of the U.S. Senate to the city of Irvine and our best wishes to its disabled citizens who share in this award.●

FULTON 15TH ANNIVERSARY

● Mr. D'AMATO. Mr. President, I wish to call my colleagues' attention to the fact that on August 9, 1991, the Miller Brewing Co. will be observing the 15th anniversary of its Fulton, NY, brewery. The brewery's 1,100 employees, their families, and guests will participate in a 2-day celebration of several events, including public tours and related festivities.

I wish to commend president and CEO Leonard J. Goldstein, a native New Yorker, and the Fulton work force for their commitment to the local community, Oswego County, and the area's economy. Recently released economic impact figures for the brewery and other Miller facilities in the State—a container plant adjacent to the brewery, a glass bottle manufacturing plant in Auburn, and a regional sales office in Latham—combine for a total impact in the Empire State of $420 million. That total includes $94.1 million in salaries, wages, and benefits to a statewide total of more than 1,600 employees. The 31 distributors who sell Miller products in New York employ an additional 1,000 workers.

The company also paid $28 million in corporate income and property taxes, payroll, franchise, and excise taxes in New York. Another $298 million was spent on direct materials, contracted services, utilities, employees expenses, minority contracts and purchases, rent and supplies. In addition to the above numbers, the company contributed $200,000 to local and State charitable organizations and community events. Miller employees also invest hundreds of volunteer hours in a myriad of civic and community organizations.

The brewery has an effective annual capacity of 10 million barrels. The brewery services the Northeastern United States and parts of the Midwestern United States. Miller Brewing Co. is a concerned corporate citizen as well.

Miller is also committed to educating the public about responsible consumption of alcohol beverages. Their "Think When You Drink" television and print advertising is designed to help consumers make informed choices about when and whether to drink. This year, they joined with the Beer Institute and the U.S. Department of Transportation to help publicize the department's goal of increasing seat belt usage from the current level of 50 percent to 70 percent by 1992.

Mr. President, I ask that my colleagues join me in commending Miller Brewing Co. and their Fulton brewery on their 15th anniversary and wish them many more prosperous years as a corporate citizen of New York State.●

FRUIT—PART OF A HEALTHY DIET

●Mr. RIEGLE. Mr. President, today's Washington Post contains an editorial entitled "Raisin Wars" which discusses an issue that has affected and continues to perplex the Kellogg Co. headquartered in Battle Creek, MI. As the editorial points out, the U.S. Department of Agriculture [USDA] currently has in effect a regulation which is intended to ensure that only cereals meeting certain nutritional standards are eligible for the WIC Program. However, this regulation keeps out of the WIC Program certain nutritious cereals that contain fruit that would otherwise qualify, except for the fact that they contain fruit. For instance, bran flakes would qualify under current WIC guidelines, but when raisins are added and the cereal becomes raisin bran the cereal becomes ineligible.

At the same time, the USDA, along with many other Federal agencies as well as various nutrition experts, acknowledge that fruit is an essential element of a nutritious diet and recommend eating several portions of fruit a day. In fact, it has been brought to my attention that literature distributed to WIC participants through local WIC offices in my own State of Michigan urge WIC participants to eat fruit and specifically raisins as a snack. It has also been brought to my attention that the USDA produces and distributes to WIC participants literature which not only urges them to eat fruit, but to "use fruit on cereal." I am aware that the USDA has also administered a demonstration program in 10 States, including my own State of Michigan, in which it has paid for vouchers to be distributed to WIC participants for the purpose of purchasing fruit.

Mr. President, it simply does not make good sense for the USDA and other agencies of the Federal Government on one hand to urge all Americans to eat more fruit and to specifically urge WIC participants to "use fruit on cereal" and to pay for vouchers enabling WIC participants to purchase fruit, while on the other hand it is denying WIC participants the opportunity to choose a cereal which meets all the nutritional standards required by the WIC program except for the fact

that it contains fruit. As the editorial points out, this is "government at its most famously elephantine."

I am aware that the USDA apparently has a WIC Advisory Board which is undertaking a review of the WIC food package, and I am confident this advisory board will do an excellent job. However, as we all know, "reviews" often take on a life of their own. This matter is a well-documented inconsistency in policy and it has existed far too long. I would, therefore, hope and urge that the USDA take note of the point which is made in the editorial and adopt a more sensible, reasonable and flexible policy with respect to this issue. I would also urge that the USDA make whatever changes are necessary to conform its WIC feeding policies with its own dietary recommendations as soon as possible, and certainly no later than the beginning of our next calendar year.

Mr. President, at this point I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

RAISIN WARS

The federal government thinks that children should eat less sugar and more fruit, which is fine—except when it's contradictory. The fruit that the government likes can be a major source of the sugar that it doesn't. The contradiction arises with particular force inside a box of Kellogg's Raisin Bran. Can you believe that it may now arise within the U.S. Senate as well?

It seems that, were it not for the sugar from the raisins, this product of the Kellogg Co. would be eligible to be bought by needy families under the sugar standard of the government's WIC program, a stern 6 grams per serving and no more. Counting the raisins and the rest of the sugar in the box, however, it's not eligible. That's true even though the same Agriculture Department that maintains the WIC regulations can be found in other contexts urging Americans not merely to eat more fruit, but to put it on their cereal.

Kellogg cares, and not just for love of consistency in the Code of Federal Regulations. The WIC feeding progrm for needy pregnant women, infants and children is itself a pretty big bowl of breakfast. It helps to feed nearly 5 million people including a third of the nation's newborns at a cost of about $2.4 billion a year. Of that, an estimated $150 million goes for cereal, and about two-thirds of the cereal money, Kellogg says, is spent on Cheerios, which meet the WIC sugar and other nutrition standards and are made by Kellogg competitor General Mills. WIC really stands for women, infants and Cheerios, the Kellogg people like to joke, not sweetly.

Kellogg, based in Michigan, is urging that state's Sen. Carl Levin to offer an amendment to the agriculture appropriations bill somehow relaxing the sugar rule so that the raisins won't count. Other senators including minority leader Bob Dole have warned they will resist a step they call a threat to the program's "integrity." They cite a letter from the American Academy of Pediatrics and other protective groups urging that the question of what can and cannot be bought with the money not be politicized and noting that the department is already in the midst of a regular reexamination of the rules.

If the government is going to cross the threshold of setting nutritional standards at all—as perhaps it had to, at least in the particular kind of program WIC is—we suppose it was bound to come to this. You make the rules, and the next thing you know poor kids can't have Raisin Bran, which other kids are eating without ill effect, because to allow Raisin Bran is to open the floodgates to government subsidized Snickers bars for poor and nutritionally deprived families. It is government at its most famously elephantine. Of this much only we are certain: The Senate floor is the wrong place to write the rules. But the Agriculture Department, if it is to have a free hand, should at a minimum keep the free hand light. Surely it's possible to have rules that square with the WIC program's raisin d'etre and still let in a scoop of raisins.●

ORDERS FOR TOMORROW

Mr. HOLLINGS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:30 a.m., Wednesday, July 31; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; that then there be a period for morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein; that during morning business the following Senators be recognized to speak: Senator JOHNSTON for up to 15 minutes, Senator WOFFORD for up to 10 minutes, Senator MCCAIN for up to 10 minutes, Senator MURKOWSKI for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 8:30 A.M. TOMORROW

Mr. HOLLINGS. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess as under the previous order until 8:30 a.m., Wednesday, July 31, 1991.

There being no objection, the Senate, at 9:42 p.m., recessed until Wednesday, July 31, 1991, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 30, 1991:

THE JUDICIARY

DAVID R. HANSEN, OF IOWA, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

CONFIRMATIONS

Executive Nominations confirmed by the Senate July 30, 1991:

DEPARTMENT OF STATE

CHARLES R. BOWERS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

SALLY G. COWAL, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

MORRIS D. BUSBY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COLOMBIA.

LUIS GUINOT, JR., OF PUERTO RICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

ARTHUR HAYDEN HUGHES, OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

CHRISTOPHER W. S. ROSS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

FRANK G. WISNER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

ROBERT MICHAEL KIMMITT, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

ROBERT S. STRAUSS, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF SOVIET SOCIALIST REPUBLICS.

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DEPUTY REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

BOARD FOR INTERNATIONAL BROADCASTING

KARL C. ROVE, OF TEXAS, TO BE A MEMBER OF THE BOARD FOR INTERNATIONAL BROADCASTING FOR A TERM EXPIRING APRIL 28, 1994.

INTERNATIONAL MONETARY FUND

QUINCY MELLON KROSBY, OF NEW YORK, TO BE U.S. ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF 2 YEARS.

U.S. INFORMATION AGENCY

CHARLES GRAVES UNTERMEYER, OF TEXAS, TO BE AN ASSOCIATE DIRECTOR OF THE U.S. INFORMATION AGENCY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JAMES THOMAS GRADY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1991.

WELDON W. CASE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.